



1995

Illinois Register

Rules of Governmental Agencies

Volume 19, Issue 02— Jan. 13, 1995

Pages 152-521

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017

published by
George H. Ryan
Secretary of State



Printed on recycled paper

TABLE OF CONTENTS

January 13, 1995 Volume 19, Issue 2

AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES

PUBLIC HEALTH, DEPARTMENT OF	
Private Sewage Disposal Code	
77 Ill. Adm. Code 905, (Withdrawal)	287
The Illinois Formulary For The Drug Product Selection Program	
77 Ill. Adm. Code 790, (Withdrawal)	289
The Illinois Formulary For The Drug Product Selection Program	
77 Ill. Adm. Code 790, Repeal of (Withdrawal)	290

NOTICE OF EXPEDITED CORRECTIONS

INDUSTRIAL COMMISSION	
Judicial Review	
50 Ill. Adm. Code 7060	292

REGULATORY AGENDA

ABANDONED MINED LANDS RECLAMATION COUNCIL	
Abandoned Mined Lands Reclamation	
62 Ill. Adm. Code 2501	294
Public Information, Rulemaking, And Organization	
2 Ill. Adm. Code 1500	296
Selection Of Contractors And Consultants	
44 Ill. Adm. Code 1150	297

BANKS AND TRUST COMPANIES, COMMISSIONER OF

Blacklist Prohibition	
38 Ill. Adm. Code 302	298
Corporate Fiduciary Subsidiaries	
38 Ill. Adm. Code 396	299
Organization, Information And Rulemaking Procedures Of The Commissioner Of Banks And Trust Companies	
38 Ill. Adm. Code 301	300
Public Hearings On Acquisitions Of Illinois Banks Or Illinois Bank Holding Companies By Midwest Bank Holding Companies	
38 Ill. Adm. Code 390	301
Standards For Operation And Conduct Of Affairs Of Corporate Fiduciaries	
38 Ill. Adm. Code 399	303

CAPITAL DEVELOPMENT BOARD

Illinois Accessibility Code	
71 Ill. Adm. Code 400	304
Insurance And Surety Companies	
44 Ill. Adm. Code 1050	305
Bidder Responsibility And Suspension Of Contractors	
44 Ill. Adm. Code 0017	306
Pregualification And Suspension Of Contractors	
44 Ill. Adm. Code 950	307

PROPOSED RULES

CORRECTIONS, DEPARTMENT OF

Chaplaincy	
20 Ill. Adm. Code 425	152

NUCLEAR SAFETY, DEPARTMENT OF

Use Of X-Rays In The Healing Arts Including Medical, Dental, Podiatry, And Veterinary Medicine	
32 Ill. Adm. Code 360	163

PUBLIC AID, DEPARTMENT OF

Medical Payment	
89 Ill. Adm. Code 140	165

PUBLIC HEALTH, DEPARTMENT OF

Testing Of Breath, Blood And Urine For Alcohol And/Or Other Drugs	
77 Ill. Adm. Code 510	185

ADOPTED RULES

COMPTROLLER MERIT COMMISSION

Merit Commission Rules	
80 Ill. Adm. Code 100	206

COMPTROLLER, OFFICE OF THE

Claim Eligible To Be Offset	
74 Ill. Adm. Code 285	227

PUBLIC HEALTH, DEPARTMENT OF

Lead Poisoning Prevention Code	
77 Ill. Adm. Code 845	238

EMERGENCY RULES

NUCLEAR SAFETY, DEPARTMENT OF

Use Of X-Rays In The Healing Arts Including Medical, Dental, Podiatry, And Veterinary Medicine	
32 Ill. Adm. Code 360	273

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

Client Service Planning	89 Ill. Adm. Code 305	308
Confidentiality Of Personal Information Of Persons Served By The Department	89 Ill. Adm. Code 431	310
Foster Care Placement Goal	89 Ill. Adm. Code 301	311
Licensing Enforcement	89 Ill. Adm. Code 383	313
Licensing Standards For Child Care Institutions And ternity Centers	89 Ill. Adm. Code 404	315
Licensing Standards For Child Welfare Agencies	89 Ill. Adm. Code 401	317
Licensing Standards For Foster Family Homes	89 Ill. Adm. Code 402	319
Licensing Standards For Group Homes	89 Ill. Adm. Code 403	321
Reports Of Child Abuse And Neglect	89 Ill. Adm. Code 300	323
Services Delivered By The Department	89 Ill. Adm. Code 302	325
Transfer Of Violent Juvenile Offenders To The Department Of Corrections	89 Ill. Adm. Code 312	326

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

Economic Dislocation And Worker Adjustment Assistance	56 Ill. Adm. Code 2625	327
Illinois Small Business Development Program	14 Ill. Adm. Code 570	328
Industrial Training Program	56 Ill. Adm. Code 2650	329
Service Delivery System And State Responsibilities	56 Ill. Adm. Code 2600	330
State Administration Of The Federal Community Development Block Grant Program For Small Cities	47 Ill. Adm. Code 110	331
Training Services For The Disadvantaged	56 Ill. Adm. Code 2610	332
Uniform Fiscal And Administrative Standards For The Job Training Partnership Act	56 Ill. Adm. Code 2630	333

COMMERCE COMMISSION, ILLINOIS

Federal Energy Efficiency Investment Standard	83 Ill. Adm. Code 0014	334
Federal Demand Management Investment Standard	83 Ill. Adm. Code 0013	335
Interconnection	83 Ill. Adm. Code 790	336
Least-Cost Planning For Electric Utilities	83 Ill. Adm. Code 440	338

Least-Cost Planning For Natural Gas Utilities

Pay Telephone Providers	83 Ill. Adm. Code 535	339
Presubscription	83 Ill. Adm. Code 771	340
Standard Filing Requirements For Electric, Gas, Water And Sewer Utilities And Telecommunications Carriers In Filing For An Increase In Rates	83 Ill. Adm. Code 0015	341
Standards Of Service Applicable To 9-1-1 Emergency Systems (General Order 207)	83 Ill. Adm. Code 725	343
Telecommunications Access For The Hearing And Voice Impaired	83 Ill. Adm. Code 755	344

CONSERVATION, DEPARTMENT OF

Camping On Department Of Conservation Properties	17 Ill. Adm. Code 130	345
Cock Pheasant, Hungarian Partridge, Bobwhite Quail, And Rabbit Hunting	17 Ill. Adm. Code 530	346
Crow, Woodcock, Snake, Rail And Teal Hunting	17 Ill. Adm. Code 740	347
Department Formal Hearings Conducted For Rulemaking And Contested Cases	17 Ill. Adm. Code 2530	348
Dog Training On Department-Owned Or -Managed Sites	17 Ill. Adm. Code 950	349
Dove Hunting	17 Ill. Adm. Code 730	350
Duck, Goose And Coot Hunting	17 Ill. Adm. Code 590	351
General Hunting And Trapping On Department-Owned Or -Managed Sites	17 Ill. Adm. Code 510	352
Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver And Woodchuck (Groundhog) T-rapping	17 Ill. Adm. Code 570	353
Operation Of Watercraft Carrying Passengers On The Illinois Waters Of Lake Michigan	17 Ill. Adm. Code 2080	354
Public Use Of State Parks And Other Properties Of The Department Of Conservation	17 Ill. Adm. Code 110	355
Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote And Woodchuck (Groundhog) Hunting	17 Ill. Adm. Code 550	356
Squirrel Hunting	17 Ill. Adm. Code 690	357
The Taking Of Wild Turkeys - Fall Archery Season	17 Ill. Adm. Code 720	358
The Taking Of Wild Turkeys-Fall Gun Season	17 Ill. Adm. Code 715	359

White-Tailed Deer Hunting By Use Of Bow And Arrow	17 Ill. Adm. Code 670	360
White-Tailed Deer Hunting By Use Of Firearms	17 Ill. Adm. Code 650	361
White-Tailed Deer Hunting Season By Use Of Handguns	17 Ill. Adm. Code 680	362
White-Tailed Deer Hunting Season By Use Of Muzzleloading Rifles	17 Ill. Adm. Code 660	363

EDUCATION, STATE BOARD OF

Building Specifications For Health And Safety In Public Schools	23 Ill. Adm. Code 185	364
Certification	23 Ill. Adm. Code 25	365
Disadvantaged Students Funds Plan--Districts Over 50,000 ADA	23 Ill. Adm. Code 202	366
Driver Education	23 Ill. Adm. Code 252	367
Educational Service Centers	23 Ill. Adm. Code 500	368
Efficient And Adequate Standards For The Building Specifications For The Construction Of Schools	23 Ill. Adm. Code 175	369
Electronic Transfer Of Funds	23 Ill. Adm. Code 155	370
Public Schools Evaluation, Recognition And Supervision	23 Ill. Adm. Code 1	371
Pupil Transportation	23 Ill. Adm. Code 275	372
Truants' Alternative And Optional Education Programs	23 Ill. Adm. Code 205	373
Urban Education Partnership Program	23 Ill. Adm. Code 245	374
Vocational Education	23 Ill. Adm. Code 254	375

HISTORIC PRESERVATION AGENCY

Rules Implementing "The Archaeological And Paleontological Resources Protection Act"	17 Ill. Adm. Code 4190	376
--	------------------------	-----

INDUSTRIAL COMMISSION

Arbitration	50 Ill. Adm. Code 7030	377
Insurance Regulations	50 Ill. Adm. Code 7100	378

INSURANCE, DEPARTMENT OF

Annual Audited Financial Report	50 Ill. Adm. Code 925	379
Cost Containment Form And Data Reporting Requirements	50 Ill. Adm. Code 6602	380

Credible Service

50 Ill. Adm. Code 0007	381
Credit Accident And Health Insurance Rules	
50 Ill. Adm. Code 952	382
Definition Of Salary	
50 Ill. Adm. Code 6302	383
Filing Policy And Endorsements Form	
50 Ill. Adm. Code 753	384
Foreign And Alien Insurer Annual Audited Financial Reports	
50 Ill. Adm. Code 601	385
Health Maintenance Organization	
50 Ill. Adm. Code 6101	386
Letters Of Credit	
50 Ill. Adm. Code 1102	387
License, Documents Necessary To Engage In Activities And Examinations	
50 Ill. Adm. Code 752	388
Limited Health Service Organization	
50 Ill. Adm. Code 0008	389
Long-Term Care Partnership Insurance	
50 Ill. Adm. Code 2018	390
Loss Reserve Discounting	
50 Ill. Adm. Code 0009	391
Managing General Agents	
50 Ill. Adm. Code 0010	392
Minimum Standards Of Individual Accident And Health Insurance	
50 Ill. Adm. Code 2007	393
Modified Guaranteed Annuity	
50 Ill. Adm. Code 0012	394
Pension And Examination Procedure	
50 Ill. Adm. Code 6301	395
Plan Of Operation	
50 Ill. Adm. Code 0011	396
Preferred Provider Program Administrators	
50 Ill. Adm. Code 6501	397
Required Procedure For Filing And Securing Approval Of Life Insurance, Annuity And Accident And Health Insurance, Voluntary Health Services Plans, Vision Service Plans, Dental Service Plans, Pharmaceutical Service Plans, Limited Health Service Organizations And Health Maintenance Organizations Policy Forms	
50 Ill. Adm. Code 916	398
Rules And Rate Filings	
50 Ill. Adm. Code 754	399
Surplus Line Business Requirements	
50 Ill. Adm. Code 2801	400
Valuation Of Life Insurance Policies - Rules Including The Introduction And Use Of New Select Mortality Factors	
50 Ill. Adm. Code 1409	401

LOTTERY, DEPARTMENT OF

Lottery (General)	11 Ill. Adm. Code 1770	402
-------------------	------------------------	-----

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF	
Family Assistance And Home-Based Support Programs For Persons With Mental Disabilities	
59 Ill. Adm. Code 117	403
Medicaid Community Mental Health Services Program	
59 Ill. Adm. Code 132	405
Medicaid Home And Community-Based Services For Developmentally Disabled Recipients	
59 Ill. Adm. Code 120	407
Treatment And Habilitation Services	
59 Ill. Adm. Code 112	409
MINES AND MINERALS, DEPARTMENT OF	
The Illinois Oil And Gas Act	
62 Ill. Adm. Code 240	411
NUCLEAR SAFETY, DEPARTMENT OF	
Access To Facilities For Treatment, Storage, Or Disposal Of Low-Level Radioactive Waste	
32 Ill. Adm. Code 609	412
Fees For Radioactive Material Licenses	
32 Ill. Adm. Code 331	413
Licensing Of Radioactive Material	
32 Ill. Adm. Code 330	414
Use Of Radionuclides In The Healing Arts	
32 Ill. Adm. Code 335	415
POLLUTION CONTROL BOARD	
Clean Fuel Vehicles	
35 Ill. Adm. Code 241	416
Definitions And General Provisions	
35 Ill. Adm. Code 211	418
General Rules	
35 Ill. Adm. Code 101	420
Hazardous Waste Management System: General	
35 Ill. Adm. Code 720	422
Organic Material Emission Standards And Limitations For The Chicago Area	
35 Ill. Adm. Code 218	424
Organic Material Emission Standards And Limitations For The Metro East Area	
35 Ill. Adm. Code 219	426
Organic Material Emission Standards And Limitations	
35 Ill. Adm. Code 215	428
Permits And General Provisions	
35 Ill. Adm. Code 201	430
Petroleum Underground Storage Tanks	
35 Ill. Adm. Code 732	432
Primary Drinking Water Standards	
35 Ill. Adm. Code 611	434
Sewer Discharge Criteria	
35 Ill. Adm. Code 307	436

Solid Waste Disposal:General Provisions	
35 Ill. Adm. Code 810	438
Standards For Compost Facilities	
35 Ill. Adm. Code 830	440
Standards For Existing Landfills And Units	
35 Ill. Adm. Code 814	442
Toxic Air Contaminants	
35 Ill. Adm. Code 232	444
Underground Injection Control Operating Requirements	
35 Ill. Adm. Code 730	446
Underground Storage Tanks	
35 Ill. Adm. Code 731	448
Vehicle Scrapage Requirements	
35 Ill. Adm. Code 212	450
Visible And Particulate Matter Emissions	
35 Ill. Adm. Code 212	452
Water Quality Standards	
35 Ill. Adm. Code 302	454
PROPERTY TAX APPEAL BOARD	
Procedures	
86 Ill. Adm. Code 1910	456
PUBLIC AID, DEPARTMENT OF	
Aid To Families With Dependent Children	
89 Ill. Adm. Code 112	457
Aid To The Aged, Blind Or Disabled	
89 Ill. Adm. Code 113	459
Child Support Enforcement	
89 Ill. Adm. Code 160	460
Demonstration Programs	
89 Ill. Adm. Code 170	462
Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)	
89 Ill. Adm. Code 119	464
Food Stamps	
89 Ill. Adm. Code 121	466
Hospital Services	
89 Ill. Adm. Code 148	468
Medical Payment	
89 Ill. Adm. Code 140	470
Mediplan Plus	
89 Ill. Adm. Code 142	474
Refugee/Entrant/Repatriate Program	
89 Ill. Adm. Code 115	476
Related Program Provisions	
89 Ill. Adm. Code 117	477
Rights And Responsibilities	
89 Ill. Adm. Code 102	479
REHABILITATION SERVICES, DEPARTMENT OF	
Advisory Councils	
89 Ill. Adm. Code 515	480

Appeals And Hearings	89 Ill. Adm. Code 510	481
Application	89 Ill. Adm. Code 557	482
Assessment For Determining Eligibility And Rehabilitation Needs	89 Ill. Adm. Code 553	483
Centers For Independent Living	89 Ill. Adm. Code 885	485
Client Financial Participation	89 Ill. Adm. Code 562	486
Closure	89 Ill. Adm. Code 617	487
Comparable Benefits	89 Ill. Adm. Code 567	488
Confidentiality	89 Ill. Adm. Code 505	489
Criteria For The Evaluation Of Programs Of Services In Community Rehabilitation Programs	89 Ill. Adm. Code 530	490
Eligibility	89 Ill. Adm. Code 682	491
Illinois Children's School And Rehabilitation Center's Respite Program	89 Ill. Adm. Code 787	492
Impartial Due Process Hearing	89 Ill. Adm. Code 800	493
Individualized Written Rehabilitation Program (IWRP)	89 Ill. Adm. Code 572	494
Non-Academic Programs And Policies	89 Ill. Adm. Code 830	495
Projects With Industry	89 Ill. Adm. Code 640	496
Provider Requirements, Type Services, And Rates Of Payment	89 Ill. Adm. Code 686	497
Rules Of Conduct	89 Ill. Adm. Code 827	498
Services	89 Ill. Adm. Code 590	499
State-Operated Or Private Programs	89 Ill. Adm. Code 790	500
Therkelsen-Hansen College Loan Fund	89 Ill. Adm. Code 835	501
Vending Facility Program For The Blind	89 Ill. Adm. Code 650	502

SAVINGS AND RESIDENTIAL FINANCE, COMMISSIONER OF

Residential Mortgage License Act Of 1987	38 Ill. Adm. Code 1050	503
Savings Bank Act	38 Ill. Adm. Code 1075	506

SECRETARY OF STATE

Beat Auto Theft (B.A.T.) Program	92 Ill. Adm. Code 0003	508
----------------------------------	------------------------	-----

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received	92 Ill. Adm. Code 0004	517
-------------------------	------------------------	-----

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

94-687 Critical Care Nurse Week	519
94-688 Financial Literacy For Youth Month	519
94-689 Nancy Turner Day	519
94-690 Opticians Month	520
94-691 African-American History Month	520
94-692 Josephine Stasiak Day	521

CUMULATIVE INDEX

1995 Index - Issue # 2	CI-1
------------------------	------

SECTIONS AFFECTED INDEX

1995 Index - Issue # 2	SAI-1
------------------------	-------

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Chaplaincy

2) Code Citation: 20 Ill. Adm. Code 425

3) Section Numbers: Proposed Action:

425.10	Amend
425.12	Add
425.15	Add
425.20	Repeal
425.30	Add
425.40	Add
425.50	Add
425.60	Add
425.70	Add
425.80	Add
425.90	Add
425.100	Add
425.110	Add
425.120	Add

4) Statutory Authority: Implementing Section 3-7-2 and authorized by Section 3-7-1 of the Unified Code of Corrections (730 ILCS 5/3-7-2 and 3-7-1).

5) A Complete Description of the Subjects and Issues Involved: This rule is being amended to expand the standards for the delivery of chaplaincy services and to add standards regarding religious practices in compliance with the Religious Freedom Restoration Act of 1993 (PL 103-141, 107 Stat 1488). It provides for a religious advisory board to review and make recommendations regarding certain religious issues. Although the Board is comprised of legal, administrative, and chaplaincy staff, the Board may solicit input from recognized religious leaders in the free community.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

David C. Watkins, Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277

All written comments received within 45 days of the date of this publication will be considered.

12) Initial Regulatory Flexibility Analysis: Not required; this rulemaking does not affect small businesses.

13) State reasons for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: It was included in the January, 1995 regulatory agenda.

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
 CHAPTER I: DEPARTMENT OF CORRECTIONS
 SUBCHAPTER d: PROGRAMS AND SERVICES

PART 425

CHAPLAINCY SERVICES AND RELIGIOUS PRACTICES

Section	Applicability
425.10	Definitions
425.12	Responsibilities
425.15	Procedure (Repealed)
425.20	Accommodation of Religious Beliefs
425.30	Religious Practice Advisory Board
425.40	Chaplain and Religious Program Volunteers
425.50	Religious Activities
425.60	Accommodation of Religious Diets
425.70	Religious Publications and Recordings
425.80	Religious Items
425.90	Institutional Work and Program Assignments
425.100	Requests for Religious Accommodations
425.110	Religious Grievances
425.120	

AUTHORITY: Implementing Section 3-7-2 and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-7-2 and 3-7-1].

SOURCE: Adopted at 8 Ill. Reg. 14398, effective August 1, 1984; amended at 19 Ill. Reg. _____, effective _____.

Section 425.10 Applicability

This Part applies to the Adult, Juvenile, and Community Services Divisions.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 425.12 Definitions

"Chaplain" means an individual who is commissioned, licensed, ordained, or endorsed as required by the individual's religious faith and with whom the facility has employed or contracted to conduct religious activities within a correctional facility.

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

"Director" means the Director of the Department of Corrections.

"Faith representative" means a religious program volunteer who is commissioned, licensed, ordained, endorsed, or otherwise accepted as a religious authority by the individual's religious faith.

"Religious activity" includes religious services, prayers, rituals, ceremonies, celebrations, study groups, and meetings.

"Religious leader" means a member of the community who is commissioned, licensed, ordained, endorsed or otherwise accepted as a religious authority by the individual's religious faith.

"Religious program volunteer" means a member of the community who is recognized by a faith group and who has been approved by the facility in accordance with 20 Ill. Adm. Code 435 to conduct specific religious activities on a volunteer basis.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 425.15 Responsibilities

a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Part to another person or persons or designate another person or persons to perform the duties specified.

b) No other individual may routinely perform duties whenever a Section in this Part specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his temporary absence or in an emergency.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 425.20 Procedure (Repealed)

a) The Adult and Juvenile Divisions shall provide religious services and may employ chaplains who shall conduct worship services on a regular basis and perform other ministerial functions for committed persons. b) Committed persons shall be permitted to attend religious services and to possess religious materials and medals. However, attendance at religious services or activities and/or possession of religious materials may be limited, restricted or denied in the event that safety or security of the facility may be jeopardized.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 425.30 Accommodation of Religious Beliefs

- a) Committed persons shall be provided reasonable opportunities to pursue their religious beliefs and practices subject to concerns regarding security, safety, rehabilitation, institutional order, space, and resources.
- b) Participation in or attendance at religious activities shall be voluntary.
- c) Committed persons shall not pressure or coerce other persons to join or participate in the activities of a particular religion.
- d) Committed persons shall not engage in religious activities which encourage violence against others or are likely to disrupt institutional safety or operations.
- e) Committed persons shall be requested to designate their religious affiliation during the orientation process.
- f) Committed persons may only attend the religious activities of their designated religion or non-denominational religious activities, except as provided in subsection (g).
- g) Committed persons requesting to attend a religious activity of a faith other than their designated faith shall submit their written request to the facility chaplain who will determine whether their attendance at the activity can be accommodated based on factors such as security, safety, rehabilitation, institutional order, space, and resources.
- h) Committed persons desiring to designate their religious affiliation after the orientation process or to change their designated religious affiliation shall submit the written request to the facility chaplain. The facility chaplain may refuse to change the affiliation if it is determined that the change is being requested for other than religious reasons. This determination may be based, among other matters, on the frequency of changes or a pattern of changing religious affiliation prior to a particular faith group's scheduled holiday or celebration.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 425.40 Religious Practice Advisory Board

- a) The Director shall appoint a multi-denominational Religious Practice Advisory Board comprised of legal, administrative and chaplaincy staff. One of the members of the Board shall be designated as chairperson.
- b) The Board shall, among other matters:
 - 1) Provide guidance to the Department regarding religious activities.
 - 2) Review and make recommendations regarding designated:

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- A) Religious grievances filed by committed persons;
- B) Requests from committed persons for religious diets, non-traditional religious symbols, headgear, clothing, and other religious items;
- C) Requests from committed persons for religious activities not currently offered at the correctional facility and for religious activities permitted under Section 425.60(f);
- D) Requests from committed persons for relief from a work assignment or institutional program for specific religious reasons; and
- E) Issues involving the training, screening, and reimbursement of religious volunteers.
- F) The Board shall confer with religious leaders or faith representatives from various faith groups regarding the validity and legitimacy of the religious request and the sincerity of the committed persons' beliefs, as the Board determines necessary.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 425.50 Chaplains and Religious Program Volunteers

- a) The Adult and Juvenile Divisions may utilize chaplains and religious program volunteers on a full-time or part-time basis.
- b) Religious program volunteers who provide religious activities to committed persons shall not normally be reimbursed for travel expenses. However, the Chief Administrative Officer may approve reimbursement for travel expenses, not to exceed the reimbursement rate applicable to State employees. In determining whether to approve reimbursement, the Chief Administrative Officer shall consider the recommendation of the Religious Practice Advisory Board as well as factors such as: distance traveled, number of hours at the facility, frequency of visits, fiscal resources, availability of other volunteers of that faith, and whether religious program volunteers of religious groups of comparable size have been compensated for travel of a similar nature.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 425.60 Religious Activities

- a) Religious activities approved by the Chief Administrative Officer shall be conducted or supervised by a chaplain or religious program volunteer.
- b) The Chief Administrative Officer, after consultation with the facility chaplain, shall regulate the time, place, and manner in which religious activities are conducted. The Chief Administrative Officer

DEPARTMENT OF CORRECTIONS
NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 425.70 Accommodation of Religious Diets

- a) Committed persons shall be permitted to abstain from any foods the consumption of which violates their required religious tenets.
- b) Any foods which contain pork or pork by-products shall be identified in accordance with 20 Ill. Adm. Code 502.20.
- c) A committed person may submit a written request to the facility chaplain to receive an alternative diet for specific religious reasons. The request must contain written verification that the committed person is a member of a faith group that requires adherence to a particular diet and the specific requirements of the diet. Eligibility to receive an alternative diet for specific religious reasons shall be determined by the facility chaplain who shall ordinarily confer with a religious leader or faith representative of the faith group at issue. The facility chaplain and the religious leader or faith representative may interview the committed person.
- d) A committed person requesting a dietary modification required by a specific religious holiday or ceremony must submit a written request to the facility chaplain 45 calendar days before the holiday or ceremony. The request must contain verification that the committed person is a member of a faith group requiring the dietary modification and the specific requirements of the dietary modification. Eligibility to receive an alternative diet for a specific religious holiday or ceremony shall be determined by the facility chaplain who shall ordinarily confer with a religious leader or faith representative of the faith group at issue. The facility chaplain and religious leader or faith representative may interview the committed person.
- e) A committed person who does not adhere to the alternative diet shall no longer receive the alternative diet, unless otherwise approved by the Chief Administrative Officer.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 425.80 Religious Publications and Recordings

- a) Committed persons may obtain religious publications or recordings in accordance with this Part and Departmental Rules governing purchasing, incoming mail, publications, and personal property (see 20 Ill. Adm. Code 205, 525, and 535) or through donations distributed by the chaplain.
- b) Religious publications shall be submitted to the Publication Review Committee for review pursuant to 20 Ill. Adm. Code 525:Subpart C. The Publication Review Committee may confer with the chaplain.

DEPARTMENT OF CORRECTIONS
NOTICE OF PROPOSED AMENDMENTS

may limit, restrict, discontinue, or deny a religious activity based upon concerns regarding security, safety, rehabilitation, institutional order, space, or resources.

- c) Nothing in this Part shall require the provision of religious activities to committed persons in impact incarceration program facilities, reception and classification centers, or in segregation areas, the condemned unit, or specialized housing units within the facility, such as the hospital.
- d) Nothing in this Part shall require the Department to provide each separate religious group or sects within a group with a chaplain or with separate religious activities regardless of the size of the religious group or the extent of the demand for the activities. Committed persons shall be prohibited from assuming a position of authority or leadership over other committed persons. This does not preclude committed persons from actively participating in religious activities.
- e) Religious activities for which religious program volunteers or chaplains of that particular faith are unavailable on a permanent or protracted basis may be permitted if the following conditions are satisfied:
 - 1) The committed persons submit written verification to the facility chaplain that they attempted to locate and secure the services of religious leaders or faith representatives from the community and that such persons refused or were not approved to conduct religious activities;
 - 2) Security, program, or chaplaincy staff are available to attend and supervise the religious activity;
 - 3) Written verification that attendance at existing religious activities does not satisfy the recognized tenets of their faith is received;
 - 4) The Religious Practice Advisory Board recommends approval; and
 - 5) The committed person submits a copy of any proposed sermon or doctrinal interpretation to the Chief Administrative Officer or staff designated to supervise the religious activity for review and approval prior to delivery, based on safety and security concerns.
- f) The staff supervisor may call upon various committed persons to guide portions of the religious activity subject to safety and security concerns.
- g) Religious activities defined under subsection (f) shall be prohibited where based solely on the temporary or occasional unavailability of a chaplain or a religious program volunteer.
- h) The Chief Administrative Officer may limit, restrict, or discontinue religious activities permitted under subsection (f) based upon concerns such as security, safety, rehabilitation, institutional order, space, or resources, and may require periodic rotation of committed persons permitted to guide portions of religious activities.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- c) Committed persons shall be permitted to receive or possess commercially made religious audio cassettes, sealed in cellophane or similar material, that are not available through the commissary and are sent directly from a manufacturer, retailer, or distributor. Committed persons shall also be permitted to receive or possess religious audio cassettes directly from religious organizations. The Chief Administrative Officer or chaplain may review and deny such audio cassettes if they are deemed to pose a threat to the safety or security of the institution. If such audio cassettes are denied, they shall be submitted to the Religious Practice Advisory Board for review.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 425.90 Religious Items

- a) Committed persons may obtain religious symbols, clothing, and other items in accordance with this Part and Departmental Rules governing purchasing, incoming mail, and personal property (see 20 Ill. Adm. Code 205, 525, and 535) or through the chaplain.
- b) Committed persons shall be permitted to have up to two traditionally accepted religious symbols or religious symbols which have been authorized by the Religious Practice Advisory Board and which represent their designated faith. These may include but not be limited to medals, medallions, scapulas, or prayer beads.
- c) Religious items may be limited, restricted, or denied by the Chief Administrative Officer based upon concerns such as safety, security, rehabilitation, institutional order, space, resources, or facilitation of gang identification, recruitment, or activity.
- 1) Certain religious items, such as candles and incense, shall be restricted by the Chief Administrative Officer or chaplain to use for religious activities only. Such items shall be stored in a designated area of the facility and shall be available upon request for use during approved religious activities held in the chapel or other designated common area.
 - 2) Religious symbols shall not exceed two inches in height or width. The chain upon which a medal or medallion is attached shall not exceed 24 inches in length. The combined value of the medal or medallion and chain shall not exceed \$50.
 - 3) The Department may restrict the color of religious items.
 - 4) Rosary beads shall be a solid color, either black, brown, or white, and shall not be permitted to be worn as jewelry.
 - 5) Medals or medallions shall not contain precious gems or stones.
 - 6) Medals or medallions shall not be of a design that could be used as a weapon or to conceal contraband.
 - 7) Religious symbols attached to pins shall not be permitted.
 - 8) Prayer rugs may be permitted if utilized as a component of the

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- committed person's faith but will be limited to the immediate living area during prayer or the area of religious service.
- e) Committed persons may wear articles of religious clothing, including but not limited to robes, prayer shawls, or talits only in their immediate sleeping areas during prayer or in the area of religious service if verification is submitted that the clothing is worn as a component of their religion.
- f) The wearing of religious headgear, including but not limited to fezzes, kufis, and yarmulkes, shall be limited only to the committed person's immediate sleeping area during prayer and to the area of religious service provided that verification is submitted that the wearing of the religious headgear is required by the committed person's designated faith.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 425.100 Institutional Work and Program Assignments

- a) Committed persons shall be relieved from a work assignment, without pay, on a recognized religious holiday or celebration which prohibits work or if the work assignment violates the specific requirements of the committed person's faith subject to concerns regarding safety, security, rehabilitation, institutional order, space, and resources. Committed persons must initiate the request to be relieved from the assignment by submitting a written request to the Chief Administrative Officer not less than thirty calendar days prior to the holiday.
- b) The Chief Administrative Officer may relieve a committed person from an institutional program or assignment if a religious activity is scheduled at the same time and the committed person has designated that faith, subject to concerns regarding safety, security, rehabilitation, institutional order, space, and resources.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 425.110 Requests for Religious Accommodations

- a) Committed persons requesting religious items shall submit the request in writing to the facility chaplain and shall be required, if requested by the facility chaplain or the Religious Practice Advisory Board, to include written verification from an outside faith group or from a religious authoritative source that the religious item is necessary for the practice of the committed person's religion or that the item is a symbol or integral part of the person's religion.
- b) Committed persons requesting religious activities of the type not offered by the Department shall submit the request in writing to the facility chaplain and shall be required, if requested by the facility

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

chaplain or the Religious Practice Advisory Board, to submit the following information:

- 1) Written verification that other committed persons belong to that faith and are interested in attending such religious activities;
- 2) The names, addresses, and telephone numbers of the outside leaders of the faith;
- 3) Copies of the by-laws, charters, or articles of incorporation, to the extent available;
- 4) Written verification of the religion's practices, requirements, historical origins, size of membership population, organization hierarchy and structure, role of religious personnel, and dietary restrictions;

5) The time, place, and nature of any religious activities to be conducted and the identity of the religious program volunteer who will conduct the requested religious activities as well as their address, telephone number, and credentials; and

6) The documentation required under Section 425.60.

c) Committed persons requesting religious accommodations not addressed in Section 425.110 may be required, if requested by the facility chaplain or Religious Practice Advisory Board, to provide some or all of the following:

- 1) The names, addresses, and telephone numbers of the outside leaders of the faith;
- 2) Copies of the by-laws, charters, or articles of incorporation, to the extent available; and
- 3) Written verification of the religion's practices, requirements, historical origins, size of membership population, organizational hierarchy and structure, role of religious personnel, and dietary restrictions.

d) The chaplain shall inform the Chief Administrative Officer of any religious request and may, as determined necessary, submit the request and any required documentation to the Religious Practice Advisory Board for review in accordance with Section 425.40.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 425.120 Religious Grievances

Any religious issue may be grieved in accordance with 20 Ill. Adm. Code 504:Subpart F or G.

(Source: Added at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Use of X-rays in the Healing Arts including Medical, Dental, Podiatry, and Veterinary Medicine

2) Code Citation: 32 Ill. Adm. Code 360

3) Section Number: 360.120
Proposed Action: Amendment

4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this amendment to allow the use of accelerator systems that only have one beam monitor instead of two as required by Section 360.120(b)(5)(C). These machines have been determined by the Department to be safe and reliable. The current rule inadvertently restricts the use of these machines and this amendment will allow the use of these machines in the treatment of cancer patients.

6) Will this proposed amendment replace an emergency rule currently in effect?
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes, the amendment contains material incorporated by reference pursuant to Section 100/5-75(a) of the Administrative Procedure Act [5 ILCS 100/5-75(a)].

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

Valerie Puccini
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9881 (voice)
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department does not believe that these amendments will impact small businesses (i.e., medical and veterinary practices that use x-rays for healing arts purposes), small municipalities and not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: These amendments do not require any additional reporting, bookkeeping or other procedures to be in compliance with this rulemaking.

C) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendment is identical to the emergency amendments which begin on page 279.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers:

140.11	Amendment
140.12	Amendment
140.523	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: Sections 140.11 and 140.12

These proposed amendments address situations in which the Department is unable to collect overpayments made to long term care facilities, after changes have occurred regarding facility ownership. According to these proposed amendments, a provider shall assume liability for repayment to the Department of any overpayment made to a facility, regardless of whether the overpayment was incurred by the current owner or operator, or by a previous owner or operator.

Overpayments are identified as amounts established by final administrative decision, amounts identified during audits, amounts resulting from advance C-13 payments, and liabilities resulting from nonpayment or delinquent payment of provider assessments. The proposed amendments also require providers to notify the Department in writing of anticipated changes in facility ownership at least 30 days prior to the changes.

The current outstanding balance regarding monies due to the Department from facilities that have undergone ownership changes, is approximately \$2 million.

Section 140.523

These proposed amendments provide for certain procedural changes concerning bed reserves in ICF/MR facilities. According to current requirements, on-site audits conducted by Department surveyors from the Bureau of Disability Services and post-payment approval is necessary for paid bed reserves. However, because of HB 3713, programmatic responsibility for ICF/MR services has been transferred to the Department of Mental Health and Developmental Disabilities, and ICF/MR facility survey duties are performed by the Department of Public Health. Additionally, post payment approval audits in recent years have revealed an error rate of only 2% in ICF/MR paid bed reserves. Therefore, changes are being proposed to eliminate the requirement for post payment approval

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

for bed reserves in ICFs/MR. A payable bed reserve must be authorized by the interdisciplinary team (IDT) and signed by the client's physician. Such bed reserves will continue to be subject to audit under the Bureau of Medical Quality Assurance.

These proposed amendments are not expected to result in any budgetary changes.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.16	Amendment	November 4, 1994 (18 Ill. Reg. 16059)
140.19	Amendment	November 4, 1994 (18 Ill. Reg. 16059)
140.32	Amendment	November 4, 1994 (18 Ill. Reg. 16059)
140.413	Amendment	July 8, 1994 (18 Ill. Reg. 10637)
140.569	Amendment	October 7, 1994 (18 Ill. Reg. 14851)
140.645	Amendment	December 16, 1994 (18 Ill. Reg. 17865)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 27, 1994

B) Types of small businesses affected:

Sections 140.11 and 140.12 Nursing facilities

Section 140.523 Intermediate Care Facilities for the Mentally Retarded (ICF/MR)

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section	
140.1	Incorporation By Reference
140.2	Medical Assistance Programs
140.3	Covered Services Under The Medical Assistance Programs for AFDC, AFDC-WANG, AABD, AABD-WANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify as Mandatory Categorically Needy and Disabled Persons Under Age 21 Who May Qualify for Medicaid and In-Home Care (Model Waiver)
140.4	Covered Medical Services Under AFDC-WANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5	Covered Medical Services Under GA
140.6	Medical Services Not Covered
140.7	Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8	Medical Assistance For Qualified Severely Impaired Individuals
140.9	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10	Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section	
140.11	Employment Conditions for Medical Providers
140.12	Participation Requirements for Medical Providers
140.13	Definitions
140.14	Denial of Application to Participate in the Medical Assistance Program
140.15	Recovery of Money
140.16	Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submission of Claims
140.21	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.22	Magnetic Tape Billings
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Terminated, Suspended or Barred Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice
140.72	/oucher Advance Payment and Expedited Payments
140.73	Drug Manual (Recodified)
	Drug Manual Updates (Recodified)
	SUBPART C: PROVIDER ASSESSMENTS
Section	
140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repeated)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.300 Payment for Pre-Operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)

140.350 Copayments (Recodified)

140.360 Payment Methodology (Recodified)

140.361 Non-Participating Hospitals (Recodified)

140.362 Pre July 1, 1989 Services (Recodified)

140.363 Post June 30, 1989 Services (Recodified)

140.364 Prepayment Review (Recodified)

140.365 Base Year Costs (Recodified)

140.366 Restructuring Adjustment (Recodified)

140.367 Inflation Adjustment (Recodified)

140.368 Volume Adjustment (Repealed)

140.369 Groupings (Recodified)

140.370 Rate Calculation (Recodified)

140.371 Payment (Recodified)

140.372 Review Procedure (Recodified)

140.373 Utilization (Repealed)

140.374 Alternatives (Recodified)

140.375 Exemptions (Recodified)

140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)

140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)

140.391 Definitions (Recodified)

140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)

140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)

140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)

140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section

140.400 Payment to Practitioners, Nurses and Laboratories

140.410 Physicians' Services

140.411 Covered Services By Physicians

140.412 Services Not Covered By Physicians

140.413 Limitation on Physician Services

140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians

140.416 Optometric Services and Materials

140.417 Limitations on Optometric Services

140.418 Department of Corrections Laboratory

140.420 Dental Services

140.421 Limitations on Dental Services

140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists

140.425 Podiatry Services

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.426 Limitations on Podiatry Services

140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry

140.428 Chiropractic Services

140.429 Limitations on Chiropractic Services (Repealed)

140.430 Independent Laboratory Services

140.431 Services Not Covered by Independent Laboratory

140.432 Limitations on Independent Laboratory Services

140.433 Payment for Laboratory Services

140.434 Record Requirements for Independent Laboratories

140.435 Nurse Services

140.436 Limitations on Nurse Services

140.440 Pharmacy Services

140.441 Pharmacy Services Not Covered

140.442 Prior Approval of Prescriptions

140.443 Filling of Prescriptions

140.444 Compounded Prescriptions

140.445 Prescription Items (Not Compounded)

140.446 Over-the-Counter Items

140.447 Reimbursement

140.448 Returned Pharmacy Items

140.449 Payment of Pharmacy Items

140.450 Record Requirements for Pharmacies

140.452 Mental Health Clinic Services

140.453 Definitions

140.454 Types of Mental Health Clinic Services

140.455 Payment for Mental Health Clinic Services

140.456 Hearings

140.457 Therapy Services

140.458 Prior Approval for Therapy Services

140.459 Payment for Therapy Services

140.460 Clinic Services

140.461 Clinic Participation, Data and Certification

140.462 Covered Services in Clinics

140.463 Clinic Service Payment

140.464 Healthy Moms/Healthy Kids Managed Care Clinics

140.465 Speech and Hearing Clinics (Repealed)

140.466 Rural Health Clinics

140.467 Independent Clinics

140.469 Hospice

140.470 Home Health Services

140.471 Home Health Covered Services

140.472 Types of Home Health Services

140.473 Prior Approval for Home Health Services

140.474 Payment for Home Health Services

140.475 Medical Equipment, Supplies and Prosthetic Devices

140.476 Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.477 Limitations on Equipment, Supplies and Prosthetic Devices
 140.478 Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
 140.479 Limitations, Medical Supplies
 140.480 Equipment Rental Limitations
 140.481 Payment for Medical Equipment, Supplies and Prosthetic Devices
 140.482 Family Planning Services
 140.483 Limitations on Family Planning Services
 140.484 Payment for Family Planning Services
 140.485 Healthy Kids Program
 140.486 Limitations on Medichex Services (Repealed)
 140.487 Healthy Kids Program Timeliness Standards
 140.488 Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
 140.490 Medical Transportation
 140.491 Limitations on Medical Transportation
 140.492 Payment for Medical Transportation
 140.495 Psychological Services
 140.496 Payment for Psychological Services
 140.497 Hearing Aids

SUBPART E: GROUP CARE

Section
 140.500 Group Care Services
 140.502 Cessation of Payment at Federal Direction
 140.503 Cessation of Payment for Improper Level of Care
 140.504 Cessation of Payment Because of Termination of Facility
 140.505 Continuation of Payment Because of Threat To Life
 140.506 Provider Voluntary Withdrawal
 140.507 Continuation of Provider Agreement
 140.510 Determination of Need for Group Care
 140.511 Long Term Care Services Covered by Department Payment
 140.512 Utilization Control
 140.513 Utilization Review Plan (Repealed)
 140.514 Certifications and Recertifications of Care
 140.515 Management of Recipient Funds--Personal Allowance Funds
 140.516 Recipient Management of Funds
 140.517 Correspondent Management of Funds
 140.518 Facility Management of Funds
 140.519 Use or Accumulation of Funds
 140.520 Management of Recipient Funds--Local Office Responsibility
 140.521 Room and Board Accounts
 140.522 Reconciliation of Recipient Funds
 140.523 Bed Reserves
 140.524 Cessation of Payment Due to Loss of License
 140.525 Quality Incentive Program (QUIP) Payment Levels
 140.526 Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.527 Quality Incentive Survey (Repealed)
 140.528 Payment of Quality Incentive (Repealed)
 140.529 Reviews (Repealed)
 140.530 Basis of Payment for Long Term Care Services
 140.531 General Service Costs
 140.532 Health Care Costs
 140.533 General Administration Costs
 140.534 Ownership Costs
 140.535 Costs for Interest, Taxes and Rent
 140.536 Organization and Pre-Operating Costs
 140.537 Payments to Related Organizations
 140.538 Special Costs
 140.539 Nurse's Aide Training and Testing
 140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
 140.541 Salaries Paid to Owners or Related Parties
 140.542 Cost Reports-Filing Requirements
 140.543 Time Standards for Filing Cost Reports
 140.544 Access to Cost Reports (Repealed)
 140.545 Penalty for Failure to File Cost Reports
 140.550 Update of Operating Costs
 140.551 General Service Costs
 140.552 Nursing and Program Costs
 140.553 General Administrative Costs
 140.554 Component Inflation Index
 140.555 Minimum Wage
 140.560 Components of the Base Rate Determination
 140.561 Support Costs Components
 140.562 Nursing Costs
 140.563 Capital Costs
 140.565 Koster Kitchen reimbursement
 140.566 Out-of-State Placement
 140.567 Level II Incentive Payments (Repealed)
 140.568 Duration of Incentive Payments (Repealed)
 140.569 Clients With Exceptional Care Needs
 140.570 Capital Rate Component Determination
 140.571 Capital Rate Calculation
 140.572 Total Capital Rate
 140.573 Other Capital Provisions
 140.574 Capital Rates for Rented Facilities
 140.575 Newly Constructed Facilities (Repealed)
 140.576 Renovations (Repealed)
 140.577 Capital Costs for Rented Facilities (Renumbered)
 140.578 Property Taxes
 140.579 Specialized Living Centers
 140.580 Mandated Capital Improvements (Repealed)
 140.581 Qualifying as Mandated Capital Improvement (Repealed)
 140.582 Cost Adjustments

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.593 Campus Facilities
 140.594 Illinois Municipal Retirement Fund (IMRF)
 140.595 Audit and Record Requirements
 140.642 Screenings Assessment for Long Term Care and Alternative Residential Settings and Services
 140.643 In-Home Care Program
 140.645 Medical and In-Home Care for Disabled Persons Under Age 21 (Model Waiver)
 140.646 Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities
 140.647 Description of Developmental Training (DT) Services
 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
 140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs
 140.650 Certification of Developmental Training (DT) Programs
 140.651 Decertification of Day Programs
 140.652 Terms of Assurances and Contracts
 140.680 Effective Date Of Payment Rate
 140.700 Discharge of Long Term Care Residents
 140.830 Appeals of Rate Determinations
 140.935 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section
 140.850 General Description (Repealed)
 140.855 Definition of Terms (Repealed)
 140.860 Covered Services (Repealed)
 140.865 Sponsor Qualifications (Repealed)
 140.870 Sponsor Responsibilities (Repealed)
 140.875 Department Responsibilities (Repealed)
 140.880 Provider Qualifications (Repealed)
 140.885 Provider Responsibilities (Repealed)
 140.890 Payment Methodology (Repealed)
 140.895 Contract Monitoring (Repealed)
 140.896 Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For The Developmentally Disabled (Recodified)

SUBPART G: HEALTHY MOMS/HEALTHY KIDS PROGRAM

Section
 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
 140.901 Functional Areas of Needs (Recodified)
 140.902 Service Needs (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.903 Definitions (Recodified)
 140.904 Times and Staff Levels (Repealed)
 140.905 Statewide Rates (Repealed)
 140.906 Reconsiderations (Recodified)
 140.907 Midnight Census Report (Recodified)
 140.908 Times and Staff Levels (Recodified)
 140.909 Statewide Rates (Recodified)
 140.910 Referrals (Recodified)
 140.911 Basic Rehabilitation Aide Training Program (Recodified)
 140.912 Interim Nursing Rates (Recodified)
 140.920 General Description
 140.922 Covered Services
 140.924 Provider Participation
 140.926 Client Eligibility
 140.928 Client Enrollment and Program Components
 140.930 Reimbursement
 140.932 Payment Authorization for Referrals

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section
 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
 140.942 Definition of Terms (Recodified)
 140.944 Notification of Negotiations (Recodified)
 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
 140.948 Negotiation Procedures (Recodified)
 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
 140.952 Closing an ICARE Area (Recodified)
 140.954 Administrative Review (Recodified)
 140.956 Payments to Contracting Hospitals (Recodified)
 140.958 Admitting and Clinical Privileges (Recodified)
 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)

140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
 140.964 Contract Monitoring (Recodified)
 140.966 Transfer of Recipients (Recodified)
 140.968 Validity of Contracts (Recodified)
 140.970 Termination of ICARE Contracts (Recodified)
 140.972 Hospital Services Procurement Advisory Board (Recodified)
 140.980 Elimination Of Aid To The Medically Indigent (AMI) Program
 140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age

TABLE A Medichuk Recommended Screening Procedures (Repealed)
 TABLE B Health Service Areas

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 29, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12911, effective June 30, 1987; amended at 11 Ill. Reg. 12730, effective July 6, 1987; amended at 11 Ill. Reg. 14018, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TABLE C Capital Cost Areas
TABLE D Schedule of Dental Procedures
TABLE E Time Limits for Processing of Prior Approval Requests
TABLE F Podiatry Service Schedule
TABLE G Travel Distance Standards
TABLE H Areas of Major Life Activity
TABLE I Staff Time and Allocation for Training Programs (Recodified)
TABLE J HSA Grouping (Repealed)
TABLE K Services Qualifying for 10% Add-On (Repealed)
TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
TABLE M Enhanced Rates for Healthy Moms/Healthy Kids Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V, VI, VII, and 5/12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule rescinded and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 9 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.914 and 140.916 recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.207, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16221, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.938 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 324, effective February 14, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 18057, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16355, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10053, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 937, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. _____, effective _____.

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section 140.11 Enrollment Conditions for Medical Providers

a) In order to enroll for participation, providers shall:

- 1) Hold a valid, appropriate license where State law requires licensure of medical practitioners, agencies, institutions and other medical vendors;
- 2) Be certified for participation in the Title XVIII Medicare program where Federal or State rules and regulations require such certification for Title XIX participation;
- 3) Be certified for Title XIX when Federal or State rules and regulations so require;
- 4) Provide enrollment information to the Department in the prescribed format, and notify the Department, in writing, immediately whenever there is a change in any such information which the provider has previously submitted;
- 5) Provide disclosure, as requested by the Department, of all financial, beneficial, ownership, equity, surety, or other interests in any and all firms, corporations, partnerships, associations, business, enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services to public aid recipients; and
- 6) Have a written provider agreement on file with the Department.
- b) Approval of a corporate entity such as a hospital, pharmacy, laboratory, etc., as a participant in the Medical Assistance Program applies only to the entity's existing ownership, corporate structure and location; therefore, participation approval is not transferable.
- c) For long term care providers, when there is a change of ownership of a facility or a facility is leased to a new operator, written notification shall be made to the Department at least 30 days in advance of the change. The provider agreement shall be automatically assigned to the new owner or lessee. Such assigned agreement shall be subject to all conditions under which it was

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

originally issued, including, but not limited to, any existing plans of correction, all requirements of participation as set forth in Section 140.12 or additional requirements imposed by the Department.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

Section 140.12 Participation Requirements for Medical Providers

The provider shall agree to:

- a) Verify eligibility of recipients prior to providing each service;
- b) Allow recipients the choice of accepting or rejecting medical or surgical care or treatment;
- c) Provide supplies and services in full compliance with all applicable provisions of State and Federal laws and regulations pertaining to nondiscrimination and equal employment opportunity including but not limited to:
 - 1) Full compliance with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin;
 - 2) Full compliance with Section 504 of the Rehabilitation Act of 1973 and 45 CFR 84, which prohibit discrimination on the basis of handicap; and
 - 3) Without discrimination on the basis of religious belief, political affiliation, sex, age or disability;
- d) Comply with the requirements of applicable Federal and State laws and not engage in practices prohibited by such laws;
- e) Hold confidential, and use for authorized program purposes only, all Medical Assistance information regarding recipients;
- f) Furnish to the Department, in the form and manner requested by it, any information it requests regarding payments for providing goods or services, or in connection with the rendering of goods or services or supplies to recipients by the provider, his agent, employer or employee;
- g) Make charges for the provision of services and supplies to recipients in amounts not to exceed the provider's usual and customary charges and in the same quality and mode of delivery as are provided to the general public;
- h) Accept as payment in full the amounts established by the Department.
 - 1) If a provider accepts an individual eligible for medical assistance from the Department as a Medicaid recipient, such provider shall not bill, demand or otherwise seek reimbursement from that individual or from a financially responsible relative or representative of the individual for any service for which reimbursement would have been available from the Department. If the provider had timely and properly billed the Department. For purposes of this subsection, "accepts" shall be deemed to include:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- A) an affirmative representation to an individual that payment for services will be sought from the Department;
- B) an individual presents the provider with his or her Medicaid card and the provider does not indicate that other payment arrangements will be necessary; or
- C) billing the Department for the covered medical service provided an eligible individual.
- 2) If an eligible individual is entitled to medical assistance with respect to a service for which a third party is liable for payment, the provider furnishing the service may not seek to collect from the individual payment for that service if the total liability of the third party for that service is at least equal to the amount payable for that service by the Department;
- i) Accept assignment of Medicare benefits for public aid recipients eligible for Medicare, when payment for services to such persons is sought from the Department; and
- j) Complete a Healthy Moms/Healthy Kids Provider Agreement in order to participate in the Healthy Moms/Healthy Kids Program (see Section 140.924(a)(1)(D))¹; and
- k) In the case of long term care providers, assume liability for repayment to the Department of any overpayment made to a facility regardless of whether the overpayment was incurred by a current owner or operator or by a previous owner or operator. Recoveries by the Department under this Section may be made pursuant to Sections 140.15 and 140.25. For purposes of this Section, "overpayment" shall include, but not be limited to:
- 1) amounts established by final administrative decisions pursuant to 89 Ill. Adm. Code 104.
 - 2) amounts identified during past, ongoing or future audits conducted pursuant to Sections 140.30 and 140.590, including audits initiated after the transfer of ownership to the current owner, which review payments made prior to the transfer.
 - 3) overpayments resulting from advance C-13 payments made pursuant to Section 140.71, and
 - 4) liabilities resulting from nonpayment or delinquent payment of assessments pursuant to Section 140.84.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 140.523 Bed Reserves

- a) Nursing Facilities
- 1) All bed reserves must:
 - A) be authorized by a physician (and in the case of hospitalization, the physician must anticipate that the hospitalization will not exceed ten days);
 - B) have post payment approval from the Bureau of Long Term

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Quality Care nurse based on satisfying the requirements of this Section;

- C) be limited to residents who desire to return to the same facility; and
- D) be limited to facilities having a 93 percent or higher occupancy level. The occupancy level shall be calculated including both payable and non-payable (non-payable defined as those residents that have transitioned from the maximum days allowed for payable bed reserve to non-payable bed reserve status) bedhold days as occupied beds.

2) Payment may be approved for hospitalization for a period not to exceed ten days per hospital stay. The day the resident is transferred to the hospital is the first day of the reserve bed period.

3) Payment may be approved for home visits which have been indicated by a physician as therapeutically beneficial. In such instances, bed reserve is limited to seven consecutive days in a billing month or ten days a non-consecutive days in a billing month. The day after the resident leaves the facility is the first day of the reserve bed period. Home visits may be extended with the approval of the Department.

4) The Bureau of Long Term ~~Quality~~ Care nurse will approve ongoing therapeutic home visits based on the physician's standing orders for the individual. Standing orders for therapeutic home visits limited to ten days per month are valid for a period not exceeding six months.

5) Payment for approved bed reserves is a daily rate at 75% of an individual's current Medicaid per diem.

6) In no facility may the number of vacant beds be less than the number of beds identified for residents having an approved bed reserve. The number of vacant beds in the facility must be equal to or greater than the number of residents allowed bed reserve.

b) ICF/MR Facilities (including ICF/DD and SNF/PED facilities)

1) All bed reserves must:

A) be authorized by the interdisciplinary team (IDT) referenced in 89--Ill--Adm--Code--144--109--1-7 through 1-7 and signed by the physician; and

B) have post-payment approval from the Bureau of Disability Services;

C) be limited to residents who desire to return to the same facility.

2) There is no minimum occupancy level ICF/MR facilities must meet for receiving bed reserve payments.

3) In no facility may the number of vacant beds be less than the number of beds identified for residents having an approved bed reserve. The number of vacant beds in the facility must be equal to or greater than the number of residents allowed bed reserve.

4) Payment may be approved for hospitalization for a period not to

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

exceed 45 consecutive days. The day the resident is transferred to the hospital is the first day of the reserve bed period. Payment for approved bed reserves for hospitalization is a daily rate at:

- A) 100% of a facility's current Medicaid per diem for the first ten days of an admission to a hospital;
 - B) 75% of a facility's current Medicaid per diem for days 11 through 30 of the admission;
 - C) 50% of a facility's current Medicaid per diem for days 31 to 45 of the admission.
- 5) Payment may be approved for therapeutic visits which have been indicated by the IDT as therapeutically beneficial. There is no limitation on the bed reserve days for such approved therapeutic visits. The day after the resident leaves the facility is the first day of the bed reserve period. Payment for approved bed reserves for therapeutic visits is a daily rate at:
- A) 100% of a facility's current Medicaid per diem for a period not to exceed ten days per State fiscal year;
 - B) 75% of a facility's current Medicaid per diem for a period which exceeds ten days per State fiscal year.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Testing of Breath, Blood and Urine for Alcohol and/or Other Drugs.
- 2) Code Citation:
77 Ill. Adm. Code 510
- 3) Section Numbers:

510.10	Repealer	<u>Proposed Action:</u>
510.20	Amendments	
510.30	Repealer	
510.40	Amendments	
510.60	Amendments	
510.70	Amendments	
510.80	Amendments	
510.90	Amendments	
510.100	Amendments	
510.110	Amendments	
510.120	Amendments	
510.130	Amendments	
510.Appendix A	New Section	
510.Appendix B	New Section	
510.Appendix C	New Section	
- 4) Statutory Authority:
Section 11-501 of the Illinois Vehicle Code
Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 11-501 et seq.
625 ILCS 5
- 5) A Complete Description of the Subjects and Issues Involved:

The existing rules provide implementation details for the "chemical testing" aspects of the Driving Under the Influence (DUI) law including instrumentation approval procedures; breath, blood and urine collection and testing protocols; and operator and laboratory licensing.

Section 510.10 - This Section is being repealed, since the information is included in the Authority Note.

Section 510.20 - This Section is being amended to add definitions for "alcohol concentration," "foreign substance," "ingested" and "other qualified person" to clarify their meanings and usage in the following text. Clarifying language is added to existing definitions for "certified control reference sample," "inert stopper," "logbook" and "phlebotomist" to respond to judicial circuit and appellate concerns.

Section 510.30 - The Department is repealing this Section and changing

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

masculine references in the text to include female gender.

Section 510.40 - This Section is being amended to include format and typographical changes and to update specifications on approvable instrumentation and Federal Register citations.

Section 510.60 - Format and typographical changes are included and procedures are updated to respond to judicial circuit and appellate concerns. Added procedural components should eliminate a specious defense, i.e., mouth alcohol, and clarify the language regarding items that could potentially affect a test cycle.

Section 510.70 - Format and typographical changes are included, as well as clarification of what constitutes a successful completion of the required training for licensure as an operator. Termination criteria for instructors, similar to those for operators, are added.

Section 510.80 - The relicensing cycle is changed from one to two years.

Section 510.90 and 510.100 - Format and technical changes are being made.

Section 510.110 - The Department has eliminated the use of reusable blood collection devices and reduced the amount of time laboratories are required to retain duplicate samples. Clarifying language has been added for urine testing for drugs or alcohol. The blood and urine reporting requirements have been revised in line with current electronic techniques.

Section 510.120 - Format and technical changes have been made.

Section 510.130 - The list of approved units has been deleted. This information is now included in Appendix B.

Section 510.Appendix A - This Appendix is added to show a sample logbook sheet.

Section 510.Appendix B - This Appendix is added to list Illinois approved evidential breath analysis instruments (data formerly included in Section 510.40(b)).

Section 510.Appendix C - This Appendix is added to list Illinois Approved Preliminary Breath Screening Analysis Instruments (data formerly included in Section 510.130(e)).

These rules were considered by the State Board of Health at its December 8, 1994 meeting.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the Notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain Any Incorporations By Reference? Yes

9) Are there any other Proposed Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. Devito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. Devito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected:

Police departments, hospital districts, law offices, State's attorney's offices

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Maintenance of a DUR logbook

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS
TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 510
TESTING OF BREATH, BLOOD AND URINE FOR ALCOHOL AND/OR OTHER DRUGS

Section	
510.10	Authority (Repealed)
510.20	Definitions
510.30	Construction of Rules (Repealed)
510.40	Evidential Instruments For Analyzing the Alcohol Content of Blood--By Breath
510.50	Assaying of Ampoule Solutions (Repealed)
510.60	Standards-for-the Operation of Approval Breath Analysis Instruments
510.70	Licensing of Operator
510.80	Requirements for Renewal of License
510.90	Revocation and Denial of License
510.100	Examining and Certifying Instruments
510.110	Standards-and-Procedures-for Withdrawal of Blood and/or Urine Samples for Chemical Analysis of Alcohol or other Drug Content
510.120	Approval of Laboratories and Laboratory Technicians
510.130	Preliminary Breath Screening Test Units (PBSTs) (PBSTs) (PBSTs)
APPENDIX A	SAMPLE LOGBOOK SHEET
APPENDIX B	LIST OF ILLINOIS APPROVED EVIDENTIAL BREATH ANALYSIS INSTRUMENTS
APPENDIX C	LIST OF ILLINOIS APPROVED PRELIMINARY BREATH ANALYSIS INSTRUMENTS

AUTHORITY: Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 11-501) [625 ILCS 5/11-501].

SOURCE: Filed September 18, 1972; new rules adopted at 5 Ill. Reg. 14152, effective January 1, 1982; rules repealed at 6 Ill. Reg. 365, effective January 1, 1982; amended at 7 Ill. Reg. 1917, effective January 28, 1983; codified at 8 Ill. Reg. 14271; amended at 9 Ill. Reg. 9154, effective June 3, 1985; amended at 12 Ill. Reg. 20211, effective December 1, 1988; amended at 14 Ill. Reg. 19052, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 612, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 7718, effective May 1, 1991; amended at 17 Ill. Reg. _____, effective _____.

Section 510.10 Authority (Repealed)

This Part is promulgated by the Department of Public Health, State of Illinois, in consultation with the Department of Law Enforcement under authority prescribed in Section 11-501.2 of the Illinois Vehicle Code, 625 ILCS 5/11-501.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- C) Types of Professional Skills Necessary for Compliance:
Police officer; laboratory technician

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Stat--1981--ch--95--1/2--par--11-501-2--et--seq-->

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 510.20 Definitions

"Agency" shall--mean -- County, Municipal, State or Federal law enforcement agency, involved in the use of a breath analysis instrument.

"Alcohol" shall--mean -- ethanol, commonly referred to as ethyl alcohol or alcoholic beverage.

"Alcohol Concentration -- either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. (Section 11-501 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 11-501) [625 ILCS 5/11-501])

"Certified Controlled Reference Sample" shall--mean -- a suitable reference of known ethyl--alcohol concentration prepared by a laboratory certified by the Department and used solely for the purpose of test instrument certification and/or calibration.

"Department" shall--mean -- the Illinois Department of Public Health.

"Director" shall--mean -- the Director of the Illinois Department of Public Health.

Foreign Substance -- any substance not presently in the subject's body, excluding those due to normal breathing.

"Inert Stopper" shall--mean -- a stopper that would not either--add--to or--subtract--from--the--concentration--of that contains no interfering substance(s) that will interfere with the analysis of blood or urine for alcohol and/or other drugs as when measured by--acceptable--chemical procedures against a certified controlled reference sample.

Ingested -- eaten, chewed, swallowed or consumed by mouth in any other manner; inhaled, sniffed, sorted, sprayed or introduced into the breathing passages in any other manner; injected or introduced into the body in any manner.

"Inspector" shall--mean -- a licensed breath analysis instrument operator, who through specialized training is authorized by the Department to examine, certify, and maintain breath analysis instruments and to administer practical examinations to the operators.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

"Instruments" shall--mean -- any item or combination of items of equipment approved by the Department and used to make a measurement of blood breath alcohol concentrations by breath analysis:--simple--and complex--devices--are--included--in--this--meaning.

"License" shall--mean -- evidence issued by the Department to an individual as proof of his/her authority and competence to operate a breath analysis instrument.

"Log Book book" shall--mean -- a written business record maintained by the law--enforcement agency for of tests performed according--to standards--and--procedures by operators and monthly accuracy checks performed by inspectors in accordance with this Part on each instrument for use in court (see Section 510.Appendix A, Sample Logbook Sheet).

"Operator" shall--mean -- any individual licensed by the Department to operate a breath analysis instrument.

"Other Qualified Person -- a person trained and employed by a licensed medical facility or affiliate as a phlebotomist regardless of job title. (Section 11-501 of the Illinois Vehicle Code)

"Phlebotomist" shall--mean -- a person who uses venesection venipuncture to collect blood from another individual generatly--for diagnostic--purposes.

"W/V" shall--mean -- weight of alcohol in the volume of blood, breath, or certified controlled reference sample.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 510.30 Construction of Rules (Repealed)

Words--in--this--Part--importing--the--masculine--gender--may--be--applied--to--females--

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 510.40 Evidential Instruments for Analyzing the Alcohol Content of Blood-By Breath

a) Any evidential breath testing instrument to be approved must automatically display the test results visually to the arrested person and provide for an automatic printed test record. Each printed recording shall also contain an automatically printed record of the reading of the testing device made immediately prior to the recording

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

of the tested person. Each instrument shall contain a radio frequency and acetone detection and reporting systems.

b) Instruments--to--be--approved--shall--utilize--the--infra-red-absorption method of breath analysis for blood-alcohol-concentration:

i) The intoxilyzer models 4017-40187--40187--40187--and--5007 the ABCOMAR, Alcotest-7107-BAC-Verifier-and-Data-Master-Model 19 Breathalyzer--model--2007--the--intoximeter--model--3007--are instruments--using--the--infra-red-absorption--method--and--have--been approved--by--the--Department.

e) b) Breath testing instruments to be approved in Illinois must be listed in the Qualified Conforming Products Lists of Evidential Breath Measuring Devices prepared by the National Highway Traffic Safety Administration of the U. S. Department of Transportation and published in the Federal Register, Vol. 59, No. 76, Wednesday, April 20, 1994, pp. 18839-18840, no further amendments or editions included. For further information, contact your local federal depository library or Office of Alcohol and State Programs, NTS-21, 400 Seventh Street SW, Washington, DC 20590; Telephone: (202)366-9825.

d) c) Instruments which meet the provisions of subsection--510-40 subsections (a) and (b) and of this Section will be tested and approved by the Department in accordance with but not limited to the Standards for Devices to Measure Breath Alcohol which were promulgated by the National Highway Traffic Safety Administration, U. S. Department of Transportation in the Federal Register, Vol. 49, No. 242, Friday, December 14, 1984, pp. 48854-48872, or Federal Register, Vol. 58, No. 179, Friday, September 17, 1993, pp. 48705-48710, no further amendments or editions included. A review of such approval shall occur at periodic intervals not to exceed five years. The list of approved evidential breath analysis instruments can be found in Section 510.60 Appendix B.

e) d) Any manufacturer who sells evidential breath analysis instruments to an agency or the Department in Illinois shall report to the Department all such sales, listing the name of the agency, the date, the make, and serial number of the instrument.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 510.60 Standards--for--the Operation of Approved Breath Analysis Instruments

Procedures for breath alcohol analysis shall include the following requirements in conjunction with the testing of each subject:

a) Continuous observation of the subject shall be conducted for at least twenty-(20) minutes prior to collection of the breath specimen, during which period the subject shall be deprived of alcohol, i.e., must not have ingested alcohol, food, drink and shall not have regurgitated or vomited or smoked.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) If the subject regurgitates or vomits during the observation (deprivation) period, the process shall be started over by having the individual rinse the oral cavity with water. If the individual continues to regurgitate or vomit, blood and/or urine testing shall be considered.

2) The arresting agency shall decide if a blood and/or urine specimen is to be requested.

b) A breath test shall consist of only one (1) breath analysis.

c) Before a breath analysis is completed, a room-air analysis must be conducted, the results of which must be less than 0.01 reading.

d) Each test shall be performed according to an operational procedure approved by the Department, which shall be based upon but not limited to, the manufacturer's recommended testing procedure.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 510.70 Licensing of Operator

a) To be eligible for license examination to qualify as an operator of a breath analysis instrument, the individual shall be employed by an law-enforcement agency or the Department, and shall have successfully completed (minimum passing score, 70%) a training curriculum approved by the Department. This training curriculum shall include a minimum of thirty-two-(32) hours of instruction, which includes the following:

- 1) Presentation, discussion, and demonstration of the psychological, physiological and pharmacological effects of alcohol in the human body;

2) Theory of instruments used in the analytical process which measures alcohol concentration;

3) Practical application in the use of the instrument.

4) A curriculum approved by the Department.

b) An individual to be licensed under this Part shall pass the standardized written Examination for Breath Test Operator/Instructor provided by the Department and satisfactorily complete the uniform practical proficiency examination administered by an inspector assigned by the Department.

c) Termination of License:

1) A license shall be valid for a period of twelve-(12) 24 months from the date of issuance. If the license is not renewed as provided for in Section 510.80 of this Part, it shall terminate twelve-(12) 24 months from the date of issuance.

2) A license shall automatically terminate when the licensee/operator is no longer employed by an law-enforcement agency or the Department.

d) Licensing classes will be held in locations approved by the Department based upon appropriate lighting, space, heating and air conditioning conditions.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

e) An operator currently licensed under another jurisdiction may apply for licensure in Illinois providing that he has successfully completed training which that equals or exceeds the requirements specified in this Section. Upon approval of the application by the Department, the applicant must successfully complete an approved ~~4-hour~~ review course as stipulated under Section 510.80(b)(4).

f) If the licensee/operator changes employment, he/she shall immediately notify the Department. If the licensee/operator resigns from an agency and is employed by another approved agency prior to the date his the license terminates, the Department shall reissue the license to that operator for the remainder of the period of his the previous license.

g) Instructor Qualifications

1) Instructors in courses designed to qualify persons for a license to conduct breath analysis for alcohol shall have successfully completed a 32-hour course in compliance with subsections (a)7(1), (2) and (3) of this Section.

2) Any person desiring to qualify as an instructor shall have at least 3 three years experience as a licensed breath analysis instrument operator, and shall submit an application to the Department on a prescribed form listing all technical and educational background.

3) Persons desiring to qualify as an instructor shall successfully pass the written examination with a minimum grade of 70% percent. This examination shall be administered by the Department. It shall contain questions on the subjects of the psychological, physiological and pharmacological effects of alcohol, and the theory of instruments approved for use in Illinois to conduct an analysis by breath for alcohol in the human body. The prospective instructor must also demonstrate his the ability to operate all breath analysis instruments certified for use in Illinois in accordance with operational procedures approved by the Department.

4) The Department shall establish locations for instructor qualification examinations in Chicago, Springfield and Carbondale, and shall hold such examinations at least annually.

5) All qualified instructors shall be re-licensed biannually. In each 24 month period the instructor shall demonstrate to an Inspector of the Department his the ability to operate all breath analysis instruments certified for use in Illinois in accordance with operational procedures approved by the Department. The Instructor shall also successfully pass the written examination with a minimum grade of 70% percent. The re-licensing examination shall consist of questions on the theory of instruments used in Illinois, and the psychological, physiological and pharmacological effects of alcohol on the human body.

6) The license of a an instructor shall be terminated, denied or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

revoked for the following reasons:

- A) Inability to pass a practical or written examination;
- B) Distribution or unauthorized release of student examination questions;
- C) Dismissal from his the agency of employment;
- D) Automatically terminate when the instructor is no longer employed by a group conducting an approved curriculum.

7) The process of denial, revocation, and appeal shall follow the procedure as specified in Sections Section 510.90(c)7 (1), (2), and (3), and (d), and (e) of this Part.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 510.80 Requirements for Renewal of License

e) ~~Each operator must be re-examined prior to the expiration of the Department. This will be done on the following basis: in each twelve (12) month period the operator regardless of the number of analyses he conducts must successfully administer two (2) analyses using a certified controlled reference sample in the presence of an inspector.~~
 ea) Within a two-year (2) period each operator must complete the following:

- 1) Review of theory and practice with the instrument;
- 2) Review of standards and procedures;
- 3) Discussion of current and related problems in the field;
- 4) Successfully pass both the standardized written examination provided by the Department and the uniform practical proficiency examination administered by an inspector assigned by the Department.

eb) The Department will designate sites and dates for retraining classes and notify the head of the agency by letter which operators shall attend. Designation of sites and scheduling of classes will be arranged to minimize travel.

ec) Retraining classes will be held in locations approved by the Department based upon appropriate lighting, space, heating and air conditioning conditions.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 510.90 Revocation and Denial of License

a) The following are grounds for the revocation of a license issued to the operator of a breath analysis instrument:

- 1) Misuse of the instrument by the operator in such a way that the operator is in violation of State statutes or these rules this Part.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 2) Upon receipt of a complaint to the Department, a licensed operator may be subject to review by an inspector in the operation of the instrument using a certified controlled reference sample, and, at which time, his failure or refusal to perform analysis properly may be grounds for license revocation upon such recommendation of the inspector.
- 3) Dismissal of the operator from his the employing agency.
- b) A renewal of a license under Section 510.80 or reissuance of a license pursuant to Section 510.70(f) may be denied for the following reasons:
 - 1) Any grounds for revocation set forth in Section 510.90(a).
 - 2) Failure to comply with Section 510.80(a) and (b).

c) Notice of administrative hearing and summary suspension:

- 1) In any action to revoke or deny a license the Department shall give the operator a notice of an opportunity for an administrative hearing as provided for in the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1993 1991, ch. 127, pars. 1001-1 et seq.) [5 ILCS 100] and the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
- 2) If the Department finds that the public interest, safety or welfare imperatively requires emergency action, the Department shall incorporate a finding to that effect in an order summarily suspending a license pending proceedings for revocation or denial of license. The administrative proceeding shall be promptly instituted and determined.
- 3) If the Department orders the summary suspension of a license under subsection (b) of this Part Section, a copy of the Order shall be accompanied by a notice of an opportunity for an administrative hearing.
- d) The administrative hearing provided for in Section 510.90 subsection (c) of this Section shall be conducted by a Hearing Officer who is a person designated in writing by the Director to conduct the hearing.
- e) The Illinois Administrative Procedure Act (1993 Rev. Stat. 1993, ch. 127, pars. 1001-1 et seq.) and the Department's Rules of Practice and Procedure in Administrative Proceedings (77 Ill. Adm. Code 100) Hearings shall govern the administrative hearings provided for in Section 510.90 subsection (c) of this Section.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 510.100 Examining and Certifying Instruments

- a) An instrument must be accurate within plus or minus 0.01% W/V to be certified. To determine accuracy of instruments, an inspector shall perform two (2) analyses on a certified controlled reference sample at least once a month at intervals not to exceed 45 days. The inspector shall record test results of his certification in the instrument log

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- book. The original certification test results will be retained by the inspector.
- b) Breath analysis instruments used shall be examined and certified by an inspector:
 - 1) Prior to being placed in operation; and
 - 2) After being repaired or recalibrated.
 - c) All agencies are to give their breath analysis instrument and log book available for examination by an inspector.
 - d) An operational procedure approved pursuant to Section 510.60(d) shall be at each instrument location.
 - e) An inspector must be notified when an agency has a malfunctioning instrument which that needs repair.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 510.110 Standards and Procedures for Withdrawal of Blood and/or Urine Samples for Chemical Analysis of Alcohol or Other Drug Content

- a) Blood Collection. When a person is arrested and the arresting officer requests a blood test to determine the amount of alcohol or other drugs present, the blood sample shall be collected according to the following procedure(s):
 - 1) The blood sample shall be collected in the presence of the arresting officer or other representative of the sample.
 - 2) The blood sample shall be collected per venipuncture by a physician licensed to practice medicine by a registered nurse or by a trained phlebotomist acting under the direction of a licensed physician authorized to practice medicine, a registered nurse, or other qualified person trained in venipuncture (a phlebotomist) and acting under the direction of a licensed physician. (Section 11-501 of the Illinois Vehicle Code)
 - 3) Disinfectant. A disinfectant containing no alcohol or other volatile organic substance shall be used to clean the skin where a specimen is to be collected.
 - 4) Equipment for Collection of Blood Samples
 - A) Sterile dry syringes and needles and syringes and needles kept in alcohol or other volatile organic solvent.
 - B) When hypodermic needles and syringes are used, the sample obtained shall be dispensed in approximately equal volume into two (2) clean dry containers. Alcohol or other volatile organic solvent shall not be used to clean the container. The blood shall be mixed with an anticoagulant/preservative which will not interfere with the intended analytical method. The containers shall be closed

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

with inert stoppers.

(e)B) When vacuum-type blood collecting containers are to be used as primary collecting tubes, two (2) tubes should will be collected, each containing an anticoagulant/preservative which that will not interfere with the intended analytical method.

(C) Labeling and care of blood samples

- i) The individual containers shall be appropriately and securely labeled to provide the following information:
Name of accused; date and time of collection; collecting attendant; authorizing officer's signature or initials and agency identification; and Type of anticoagulant/preservative.
- ii) The identity and integrity of the sample shall be maintained through collection to analysis and reporting.

(D) The blood samples shall be delivered directly to a laboratory certified by the Department. (See Section 510.120.)

(E) The testing laboratory shall utilize use one container for the appropriate analysis; the second container shall be retained by that laboratory for a period of at least one (1) year six months if sufficient sample is submitted.

(F) When drugs other than alcohol are suspected, a urine specimen of approximately 30 ml should accompany the blood sample, but shall not be submitted in lieu of the blood sample. The urine sample shall be collected from the accused's first voiding of the bladder in a manner to preserve the dignity of the individual and the integrity of the sample and in accordance with subsection (c)(1).

b) Blood and urine samples shall be tested to determine the concentration of alcohol and/or other drugs present by a laboratory method acceptable in a court of law.

c) Urine collection, if drugs other than alcohol are suspected,

1) A urine specimen of approximately 30 ml should accompany the blood sample, but shall not be submitted in lieu of the blood sample.

2) The urine sample shall be collected from the accused's first voiding of the bladder in a clean, dry container.

3) Approximately equal volumes shall be dispensed directly into two identical containers. No preservatives shall be used. The containers shall be closed with inert stoppers.

4) Each of the containers shall be labeled and provide the following information:

- A) Name of accused;
- B) Date and time of collection;
- C) Collecting attendant;
- D) Authorizing officer's signature or initials and agency

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

identification.

d) Urine collection, if a blood alcohol could not be determined from other biological sources.

1) A urine sample should be considered only when other methods to determine equivalent alcohol concentration in the blood are not practicable, due to the condition of the individual. A specimen of urine, when collected, shall be collected in a manner to preserve the dignity of the individual and to insure the integrity of the sample. When a person is arrested and the arresting officer requests a urine test, the urine sample should be collected according to the following procedures:

A) Urine samples shall be collected in the presence of the arresting officer or a representative of the arresting officer's agency who can authenticate the sample. The officer or representative shall be of the same sex as the subject undergoing testing.

B) For alcohol analysis only, the accused shall empty his/her bladder, and the urine shall be discarded. One-half hour later the accused shall again be requested to void the bladder, and the specimen shall be collected in a clean, dry container and dispensed in approximately equal volumes directly into two (2) containers. No preservative shall be used. The containers shall be closed with inert stoppers.

C) Each of the individual containers shall be appropriately and securely labeled to and provide the following information:

- i) Name of accused;
- ii) Date and time of collection;
- iii) Collecting attendant;
- iv) Authorizing officer's signature or initials and agency identification.

2) The identity and integrity of the samples shall be maintained through collection to analysis and reporting.

A) The urine samples shall be delivered directly to a laboratory certified by the Department. (See Section 510.120.)

B) The testing laboratory shall utilize one container for the appropriate analysis; the second container shall be retained by that laboratory for a period of at least one (1) year six months if sufficient sample is submitted.

d) Reporting of Results. The original analysis report of the analysis shall be returned to the submitting agency only. A duplicate copy of the report of the analysis shall be retained in the testing laboratory for a period of at least two (2) years. All laboratories shall submit to the Department of Public Health all analyses results of blood and/or urine of for alcohol, drug content, age of individual, etc., without identifying the individual on a quarterly basis using electronic data transfer techniques. The results of these analyses will be kept by the Department and data will be used only for

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

statistical purposes. Results are to be submitted to the Illinois Department of Public Health--Division of Alcohol and Substance Testing Program, 535 525 West Jefferson, Springfield, Illinois 62761; Telephone: (217)782-1571.

- e) When the Accused requests an additional chemical analysis, the person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of their own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. (Section 3 of The Illinois Vehicle Code)- The test must be conducted in accordance with procedures in Section 59-110 subsections (a) through (c) of this Section except those provisions which require the presence and signature of the arresting officer or his/her representative and those provisions in subsection (a)(2) of this Section.

(Source: Amended at 19 _____. Reg. _____, effective _____.)

Section 510.120 Approval of Laboratories and Laboratory Technicians

- a) Only laboratories certified by the Department and which that employ technicians who work under the supervision of a pathologist, toxicologist, or other person who has had at least five years experience in the specialty of analytical chemistry ~~shall~~ may be deemed qualified to detect and or quantitative alcohol and/or other drugs in human biologic fluids. The Laboratory Director shall be responsible for the accuracy of all laboratory testing performed in ~~his~~ the laboratory. After meeting the following conditions:
- b) Prior to initial laboratory certification, and, at least, annually thereafter, the Department shall request the demonstration of proficiency in the performance of the tests by the laboratory through the satisfactory examination of specimens submitted by the Department for this purpose or by participation in a program or programs of proficiency testing conducted by an agency or agencies approved by the Department.

- (e2) An applicant for certification under ~~Part 110~~ this Part shall furnish evidence of competent supervision by a person who meets the qualifications set forth in ~~Section 510.110~~ subsection (a) of this Section.

- any other evidence that a laboratory has complied with Section 5510.22, after and not before the issuance of this Section, a letter of certification stating the laboratory plans to perform appropriate tests for the specified period, and such certification shall be valid for twelve months from the date of issuance by the department. It may be renewed from year to year upon submission by the holder of the certification to the department that he continues to perform laboratory analyses for alcohol and other drug content in human biological fluids under the supervision of a person meeting the qualifications set forth in

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section--510-120 subsection (a) of this Section and upon the Department's determination that the laboratory is ~~satisfactorily~~ satisfactorily complying with Section 510-120 subsection (b) of this Section.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 510.130 Preliminary Breath Screening Test Units (PBTs) (PBTs)

- a) Preliminary breath test units are portable electrically or battery powered units, used to determine if alcohol is present in the tested subject's breath.

b) Preliminary breath test units offered for sale anywhere within the State to law enforcement agencies must be approved by the Department (see Section 510.0, Appendix C). No instrument shall be given approval if it demonstrates an error in excess of plus or minus .01. Any instrument ~~which~~ that is not approved after initial testing shall be re-tested at the request of the manufacturer.

c) Preliminary breath test units shall be utilized by law enforcement agencies in accordance with the manufacturer's specifications and operating procedures.

Unit-Approval Displays

1) Units listed as Pass/Fail will indicate alcohol levels as follows:

- A) Green Indicator Light - A level of $\frac{.00 \text{ to } -.057}{.049}$,
 B) Amber Indicator Light - A level of $\frac{-.051}{.05 \text{ to } .099}$,
 C) Red Indicator Light - A level of $\frac{.10 \text{ or higher}}{.099}$.

2) Units listed as Digital Read will indicate alcohol levels by numeric indication of two digits (.00) on a visible screen.

3) Units listed as Digital Pass/Fail will indicate levels of alcohol impairment by a numeric or letter message on the unit screen for .05 to .10 levels.

et Units-Approved:

- [illegible]

NOTICE OF PROPOSED AMENDMENTS

Section 510.APPENDIX B List of Illinois Approved Evidential Breath Analysis Instruments

MANUFACTURER	MODEL	MOBILE E	NONMOBILE E
CMI, Inc. Owensboro, KY	Intoxilyzer 5000 Intoxilyzer 1400	X	X X
Intoximeters, Inc. St. Louis, MO	Intoximeter 3000 Intox EC-IR Alcosensor III Alcosensor IV	X X X	X X X X
NOTE: Approval of the following instruments will cease effective January 1, 1996. The following instruments are either no longer manufactured, or repair parts are no longer available or support is limited.			
CMI, Inc. Owensboro, KY	Intoxilyzer 4011		X
Siemens-Allis, Cherry Hill, NJ	Alcomat		X
National Draeger, Inc., Pittsburgh, PA	Alcotest 7110		X
National Patent Analytical Systems, Inc., Mansfield, OH	BAC Verifier BAC Datamaster		X X
Smith and Wesson Electronics, Springfield, MA	Breathalyzer 2000		X

(Source: Added at 19 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENTS

Section 510.APPENDIX C List of Illinois Approved Preliminary Breath Screening Analysis Instruments

MANUFACTURER	MODEL	PASS/FAIL	DIGITAL
CMI, Inc. Owensboro, KY	S-D2	X	X
Intoximeters, Inc. St. Louis, MO	Alcosensor III Alcosensor IV RBT III RBT IV	X X X X	X X X X
NOTE: Approval of the following instruments will cease effective January 1, 1996. The following instruments are either no longer manufactured, or repair parts are no longer available, or support is limited, or use a technology for analysis of breath other than the fuel cell technology.			
Approved Technology	ALCO-CHEK I ALCO-CHEK II ALCO-CHEK 3000	X X	X
Guth Laboratories, Inc. Harrisburg, PA	ALCO-TECTOR Mark X	X	
Alcohol Countermeasures Systems, Inc. Port Huron, MI	ALERT Model J-4	X	X

(Source: Added at 19 Ill. Reg. _____, effective _____)

COMPTROLLER MERIT COMMISSION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Merit Commission Rules2) Code Citation: 80 Ill. Adm. Code 1003) Section Numbers: Adopted Action:

100.5	Added
100.10	Amended
100.20	Amended
100.30	Amended
100.40	Amended
100.50	Amended
100.55	Added
100.60	Amended
100.70	Amended
100.80	Amended
100.90	Amended
100.100	Amended
100.110	Amended
100.115	Added
100.117	Added
100.120	Amended
100.130	Amended
100.140	Amended
100.150	Amended

4) Statutory Authority: Implementing and authorized by the Comptroller Merit Employment Code [15 ILCS 410].5) Effective Date of Rulemaking: January 3, 19946) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No.8) Date Filed in Agency's Principal Office: December 29, 19949) Notice of Proposal Published in Illinois Register: August 19, 1994, 18 Ill. Reg. 1258510) Has JCRC issued a Statement of Objections to these rules? No11) Difference(s) between proposal and final version:

- a) Section 100.5 - In the definition for Commission, fourth line, the word "Members" has been changed to "members". In the definition for Director, add the word "Comptroller's" after the word "the". In the definition for Jurisdiction B, second line, delete the word "which" and add "that". In the definition for Prima facie case, on the second line, add a coma after the word "evidence".

COMPTROLLER MERIT COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- b) Section 100.10(a) - On the first line, for the word "(Commission)", the quotations marks have been deleted. On the sixth line, the word "member" has been changed to "Member". On the eighth line, the word "members" has been changed to "Members". In subsection (b), the word "at" after the word "or" has been deleted.

- c) Section 100.20(a) - On the fourth line, the word "(Code)", the quotation marks have been deleted.

- d) Section 100.30 - On the tenth line, after the word "Act", "(IAPA)" has been added. On the sixteenth line, the word "the" has been added before "IAPA".

- e) Section 100.60(e)(3) - On the second line, the word "part" has been changed to "Part".

- f) Section 100.70(a)(2) - On the second line, the comma has been deleted after the word "places". In subsection (d), on the second line, the word "the" has been deleted. In subsection (f)(3), on the fourth line, the word "initializing" has been changed to "initiating". In subsection (g)(2), on the first line, the word "any" has been changed to "the" and on the second line, the word "the" has been deleted and the word "any" remains in the text. In subsection (n), starting on the third line, the words "hearing authority" have been changed to "Hearings Officer".

- g) Section 100.80(a) - On the third line, the comma has been deleted after the word "competent". On the fifth line, the word "interests" has been changed to "interest".

- h) Section 100.90(i) - On the second line, the number "110.70" has been changed to "100.70".

- i) Section 100.110(a) - On the first line, the word "Hearing" has been changed to "Hearings". In subsection (b), on the fifth line, a comma has been added after the word "hearing". In subsection (b)(12), on the second line, the word "part" has been changed to "Part".

- j) Section 100.115(a) - On the third line, a comma has been added after the word "employees". In subsection (b), on the third line, a comma has been added after the word "continuances".

- k) Section 100.117 - On the first line, the word "members" has been changed to "Members".

- l) Section 100.120 - On the seventh line, the word "Hearing" has been changed to "Hearings". Also, on the seventh line, the word "such" has been deleted.

COMPTROLLER MERIT COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- m) Section 100.130 - On the third line, the word "two" has been changed to "2". On the third line, the word "members" has been changed to "Members".
- n) Section 100.140 - On the third line, the quotation marks have been deleted from the words "'Administrative Review Law'".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

The adopted amendments to the Comptroller Merit Commission rules are necessary due to the passage of time since the last rule amendments. In use of the rules, it has come to the attention of the Commission that several sections of the rules needed to be simplified by reducing legal terms and clarifying language. Several of the time periods permitted for filings under the rules were inconsistent and were changed in the amendments.

Additionally, since the last amendment of these rules, the Illinois Administrative Procedure Act [5 ILCS 100] has been amended and it was necessary to amend these rules to conform to the Administrative Procedure Act. More specifically, Section 10-20 of the Act [5 ILCS 100/10-20] has been amended to require that any hearings officer appointed under the rules must be a licensed attorney. Section 10-60 of the Act [5 ILCS 100/10-60] was amended to prohibit ex parte communications with hearings officers. In order to clarify the Comptroller Merit Commission rules, amendments were made to the rules incorporating these requirements of the Administrative Procedure Act.

Other amendments set out the duties of a hearings officer under the rules and standardize references throughout the rules. Finally, additional definitions were added to clarify the meaning of terms within the rules.

- 16) Information and questions regarding these adopted amendments shall be directed to:

MaryAnn Dowder Kent
Chairman
Comptroller Merit Commission
325 West Adams Street
Springfield, Illinois 62704
(217) 785-1127

COMPTROLLER MERIT COMMISSION

NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendments begins on the next page:

COMPTROLLER MERIT COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER III: STATE COMPTROLLER

PART 100

MERIT COMMISSION RULES

Section

- 100.5 Definitions
100.10 Meetings of the Commission
100.20 Classification Plan
100.30 Personnel Rules
100.40 Jurisdiction B Exemptions
100.50 Orders of Compliance
100.55 Collective Bargaining Agreements
100.60 Appeals, Filing Requirements and Hearings
100.70 Disciplinary Hearings
100.80 Geographical Transfers
100.90 Allocation Appeals
100.100 Personnel Merit Employment Code and Personnel Rule Violations
100.110 Qualification and Authority of the Hearings Officer
100.115 Ex Parte Consultations
100.117 Response to Proposed Decision
100.120 Record of Proceedings
100.130 Authority of Commission Over Hearings Officer
100.140 Administrative Review
100.150 Adoption, Amendment and Revision of Rules
- AUTHORITY: Implementing and authorized by the Comptroller Merit Employment Code [15 ILCS 410].
- SOURCE: Emergency rule adopted at 3 Ill. Reg. 17, p. 66, effective April 18, 1979, for a maximum of 180 days; adopted at 3 Ill. Reg. 28, p. 69, effective July 5, 1979; amended at 7 Ill. Reg. 5416, effective April 11, 1983; codified at 8 Ill. Reg. 5645; amended at 18 Ill. Reg. ~~206~~ 206, effective JAN 03 1995.

Section 100.5 Definitions

Allocation: Proper assignment of any position to a class.

Certified Employee: An employee who has successfully completed an appointment and a required probationary period (80 Ill. Adm. Code 500.10).

Chair: Chair of the Merit Commission, appointed by the Comptroller for a 2-year term.

COMPTROLLER MERIT COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Classification Plan: A position classification plan for all positions subject to the Comptroller Merit Employment Code, based upon similarity of duties performed, responsibilities assigned, and conditions of employment.

Code: The Comptroller Merit Employment Code [15 ILCS 410].

Commission: The Merit Commission, created by the Comptroller Merit Employment Code, composed of 3 members appointed by the Comptroller, by and with the advice and consent of the Senate. No more than 2 members may be affiliated with the same political party. [15 ILCS 400/8]

Department: An organizational entity directly subordinate to the Comptroller or Deputy Comptroller.

Director: Director of the Comptroller's Department of Personnel.

Geographic Transfer: Transfer from one geographical location in the State to another.

Hearings Officer: A qualified person designated by the Merit Commission to preside over hearings.

Incumbent: The person currently holding a position.

Jurisdiction B: That portion of the Comptroller Merit Employment Code that requires that certain employees must be employed on the basis of merit and fitness.

Office of the Commission: 325 West Adams Street, Springfield, Illinois 62704.

Prima facie case: A case which has produced evidence sufficient to support a finding in favor of the person producing the evidence, unless evidence to the contrary is produced.

(Source: Added at 18 Ill. Reg. ~~206~~ 206, effective JAN 03 1995)

Section 100.10 Meetings of the Commission

- a) The Merit Commission (Commission) shall meet periodically monthly in accordance with a written schedule established by the Chairman Chair at the beginning of each calendar year and posted at the Office of the Merit Commission in Springfield, Illinois. At the discretion of the Chair, any monthly meeting may be canceled upon written notice to each Member, State Comptroller and the Director.

COMPTROLLER MERIT COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Grounds for cancellation include, but are not limited to, lack of availability of a sufficient number of Commission Members to constitute a quorum; weather emergencies; lack of sufficient pending business warranting the Commission's attention. Any other meetings shall be called by the Chairman Chair upon a three-day 3-day written notice of the date, time and place to each member Member, the State Comptroller and the Director of Personnel.

b) Regular meetings will convene at Springfield or at Chicago, Illinois.

(Source: Amended at 18 Ill. Reg. 206, effective JAN 0 3 1995.)

Section 100.20 Classification Plan

a) The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those which meet the requirements of the State Comptroller Merit Employment Code ("Code") [15 ILCS 410] and personnel rules (80 Ill. Adm. Code 500), including the Classification Plan, and which conform to currently acceptable principles of position classification in the merit system.

b) ~~The Executive Secretary is delegated authority to grant interim approval to revisions in the Classification Plan at the request of the Director if such revisions are found by the Commission staff to be satisfactory and are within the parameters of title specifications theretofore reviewed and approved by the Commission within the preceding six months, subject to future pre-ratification by the Commission at its next regular meeting.~~

e) In the event that it can be reasonably anticipated that employee layoffs will result by virtue of class specification revisions, the Director will supply to the Commission, prior to review, full detailed information respecting such prospective layoffs.

(Source: Amended at 18 Ill. Reg. 206, effective JAN 0 3 1995.)

Section 100.30 Personnel Rules

~~The Commission shall review and ratify proposed amendments to the rules established by the Director. When approved, amendments of a technical nature shall be implemented by the Director. Amendments of a substantive nature shall be implemented by the Commission after a report of the Commission staff has been received by the Commission. The Commission shall have the authority to rescind or amend any amendment to the rules established by the Director and subject to the provisions of the Illinois Constitution, any rule established by the Director, and subject to the provisions of the Illinois Constitution, any rule established by the Commission.~~

COMPTROLLER MERIT COMMISSION

NOTICE OF ADOPTED AMENDMENTS

The Director may recommend changes to the personnel rules of the Office of the Comptroller, but any rulemaking affecting those rules shall be submitted to the Commission for approval before being proposed by filing with the Secretary of State. Unless the Commission disapproves the recommended changes within 30 days following receipt of the rulemaking proposal from the Director, the Director may file the changes with the Secretary of State as a proposed rulemaking. If the proposed rulemaking is modified in any way other than modifications limited to spelling, typing, punctuation or grammar, pursuant to comment from the public or the Joint Committee on Administrative Rules, as authorized by the Illinois Administrative Procedure Act (IAPA), the modified rulemaking shall be again submitted to the Commission, along with a report from the Director on options the Commission can take with respect to those modifications. Unless the Commission disapproves the modified version of the rulemaking within 30 days following its receipt from the Director, the rulemaking may be adopted by filing with the Secretary of State in accordance with the IAPA.

(Source: Amended at 18 Ill. Reg. 206, effective JAN 0 3 1995.)

Section 100.40 Jurisdiction B Exemptions

a) The Commission, upon written recommendation of the Director, may exempt from Jurisdiction B positions which, in the judgment of the Commission, involve either principal administrative responsibility for the determination of policy, or principal administrative responsibility for the way in which policies are carried out, or are highly confidential positions.

b) The Commission may review such exempt positions and, if the conditions of subsection (a) above no longer exist, shall rescind the exempt status.

c) For all positions currently exempt by action of the Commission, the Director shall inform the Commission promptly in writing of all changes in duties, responsibilities, organization, location, allocation, or identity.

d) Prior to granting an exemption from Jurisdiction B, the Director will notify the incumbent of the position, if any, of the effect of the action, wherein the incumbent and or another representative may appear at the Commission meeting at which such action is to be taken and present objections to such the exemption.

(Source: Amended at 18 Ill. Reg. 206, effective JAN 0 3 1995.)

Section 100.50 Orders of Compliance

a) The Commission may, from time to time, review and investigate personnel policies, actions, or activities and administrative

COMPTROLLER MERIT COMMISSION

NOTICE OF ADOPTED AMENDMENTS

practices to insure that they are in compliance with the Code. Such review-and-investigation-will-be-utilized-by-the-staff--th--rendering reports-to-the-Commission:

- b) Findings by the Commission of probable discrepancies with respect to the Code or rules, when communicated in writing to the Director and the appropriate Department head, are considered as an order to the Director either to correct the probable discrepancy or to furnish an explanation to support a conclusion that a probable discrepancy does not exist. If, within 30 days after receipt of such the order, neither appropriate corrective action has been initiated nor a satisfactory explanation has been submitted by the Director, the Commission may record such the violations in the Minutes of its meetings and take such other action as is appropriate to correct such the violations.

(Source: Amended at 18 Ill. Reg. 206, effective JAN 03 1995)

Section 100.55 Collective Bargaining Agreements

The Commission shall give full recognition and effect to provisions of collective bargaining agreements relating to wages, hours and conditions of employment reached under the provisions of the Illinois Public Labor Relations Act [5 ILCS 315].

(Source: Added JAN 03 1995, 18 Ill. Reg. 206, effective JAN 03 1995)

Section 100.60 Appeals, Filing Requirements and Hearings

a) Filing Requirements

- 1) A certified employee who has been served with written charges approved by the Director for removal, discharge, demotion or suspension for a period of more than 30 days within a twelve-month 12-month period, or any certified employee or any employee exempt from Jurisdiction B served with an approved order for geographical transfer, may appeal to the Merit Commission, provided such the appeal is made in writing and received by the Commission within 15 days after service of such the approved charges, or in the case of geographical transfer, within 15 days of the date the employee is required to report to the new location.

- 2) Any employee affected by the allocation of a position to a class may appeal to the Commission, provided that the employee has requested and received a reconsideration decision from the Director, and that the appeal to the Commission is received within 15 days after service of the Director's reconsideration decision.

COMPTROLLER MERIT COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 3) For the purpose of determining the timeliness of filing only, "receipt" is herein defined to mean either personal delivery or date of postmark when deposited in the U. S. mail, in a sealed envelope, with postage prepaid, and properly addressed. Holidays, Saturdays and Sundays will be excluded from computing filing dates if the last day for filing falls upon a weekend or legal holiday, in which event the last date for filing would be the first business day following such the weekend or legal holiday.

b) Time of Hearing

Within 30 days following actual-in-hand receipt of a written request for hearing, except in position allocation appeals and geographical transfer appeals, the Commission shall grant the parties a hearing. Hearings concerning Geographical geographical transfer appeals and allocation appeals hearings shall be granted as soon as practicable after receipt of a request for hearing.

c) Appeal Hearing File

After a charge has been filed with the Commission, a hearing file shall be established which shall contain all documents pertinent to the charge. Either party to the hearing may inspect the file during regular business hours in the Office of the Commission.

e)d) Conduct of Hearings Hearing

All disciplinary hearings shall be public. Each-party Parties may call witnesses to testify in his/her their own behalf and to have the aid of counsel or other representation at his/her their own expense. The respective-parties Parties may cross-examine opposing witnesses and present documentary and demonstrative evidence. the-hearings Hearings shall be conducted in accordance with the contested case provisions of the Illinois Administrative Procedure Act.

d)e) Filing-and-Form-of-Papers Filing Procedure - Computation of Time

1) The-original-copy-of-a-complaint--appeal--pleading--written motion--notice--or--other-papers-must-be-filed-in-the-Office-of-the-Commission:

- 2) Papers-shall-be-signed-in-ink-by-the-party-filing-the-papers--and by-his/her--representative-and-contain-the-address-of-the-party--or--if-represented--the-name--business-address--and--telephone number--of--such--representative--to-insure-speedy-resolution-of proceedings--the-Commission-expects--that--copies-of--all--filed papers--shall--be-served-on-all-known-parties-to-proceedings--and notice-of-such-service-shall-be-given-to-the-Commission:

3) Compliance-with-this-Section-is-not-jurisdictional.

1) Filing and Form of Papers

A) The original complaint, appeal, pleading, written motion, notice or other papers, except for responses to proposed decisions which is governed by Section 100.110(b), must be filed in the Office of the Commission.

B) Papers shall be signed in ink by the party filing the papers or by the party's representative and contain the address of the party, or if represented, the name, business address and

COMPTROLLER MERIT COMMISSION
NOTICE OF ADOPTED AMENDMENTS

- 1) If any party objects to the written charges, ~~the Commission favors the practice of submitting~~ motions outlining such the objections shall be submitted at least 10 days prior to the date of the hearing.
- 2) The motion specifically shall point out specifically the any defects ~~complainted of~~ and ~~shall~~ ask for appropriate relief, such as: that the action be dismissed, or that a charge be made more definite and certain in a specified particular, or that designated immaterial matter be stricken ~~out and so forth~~. After ruling on the motion, the Hearings Officer may enter an appropriate order either to permit or require pleading over or amending or terminating the matter in whole or in part.

- c) Continuances
 - 1) The Commission, or a Hearings Officer appointed by it to conduct a hearing, may, ~~at its discretion~~, for good cause shown, on timely motion, after notice to the opposite party, extend the time for filing any pleading or ~~paper~~ papers or may continue the date of a scheduled hearing for a limited period.
 - 2) Motions for extensions or continuances are not timely unless asserted at least 48 hours prior to the time scheduled for filing or hearing except for emergencies.
 - 3) ~~The granting of~~ Granting a request for continuance by the employee in a discharge appeal will constitute a voluntary waiver by ~~him/her~~ of any claim to compensation for the period of ~~such~~ the continuance if ~~he/she~~ the employee is ordered retained or reinstated, ~~in his/her position~~ except where the complainant files a timely request for continuance and ~~such~~ the request for continuance is a result of failure by the respondent to respond in a timely manner prior to the hearing date.

- d) Request for List of Witnesses
Upon timely request ~~made~~, either party must furnish to the other party a list of the names and addresses of prospective witnesses.
- e) Right to Inspect and Interview
Any party or ~~their~~ the party's representative shall have the right, upon timely motion, to inspect any relevant documents in the possession of or under the control of any other party and to interview employees having knowledge of relevant facts. Interviews of employees and inspection of documents shall be at times and places reasonable for the employee and for the appointing power.
- f) Appearance of Witnesses and Issuance of Subpoenas
 - 1) ~~The Executive Secretary of the Commission is authorized to issue subpoenas for those witnesses or documents as may be required by any party. Subpoenas issued by the Executive Secretary of the Commission shall be served on the party or agent and an employee of a party may be secured by merely serving the party with written notice designating the persons required to appear. Petition cause shown the Hearings Officer on motion may dismiss any appearance~~

COMPTROLLER MERIT COMMISSION
NOTICE OF ADOPTED AMENDMENTS

telephone number of the representative. The party filing papers shall be responsible for service of the papers on all parties to the proceedings, and notice of service shall be given to the Commission.

- c) Each document shall show on the first page the caption and case number assigned by the Commission and shall identify the party on whose behalf the document is filed. The final page of each filed document shall contain the name, address and telephone number of counsel, other representative or the party if the party is self-represented.

- 2) Computation of time
Whenever a time period commences upon a person's receipt of service of notice and service is by mail, receipt shall be deemed to have occurred on the 4th day after mailing.

- 3) Filing by Facsimile
Filings may be by facsimile if done in accordance with all other rules in this Part, provided that within 5 days after the day of filing by facsimile, the original document is filed at the Office of the Commission.

e) Notice
Notice to a designated representative is notice to ~~his/her~~ the client. Notice to an employee who is not represented shall be served at the address specified in the employee's appeal filing or, in the absence of such specification, to the last address shown in the employee's personnel personnel file. ~~Notice shall be served at the General-Baw Division of the Attorney-General's Office with a copy~~ A copy of the notice shall be sent to the Department Head, except in cases of allocation appeals ~~whereupon~~ notice shall be sent to the Director.

(Source: Amended ~~18~~ Ill. Reg. 206, effective JAN 03 1995)

Section 100.70 Disciplinary Hearings

- a) Charges
 - 1) Written charges approved by the Director seeking an employee's discharge, demotion or suspension totaling more than 30 days in any ~~twelve-month~~ 12-month period, shall contain a specific statement of facts which allege the cause for the proposed action sought against the employee. If a breach of a statutory duty or a rule of the agency is alleged, the statute or rule shall be cited in connection with the charge.
 - 2) Charges shall be set forth in separately numbered paragraphs and contain the dates, names of persons, places and facts necessary to properly allege cause. Charges must be specific enough to apprise the employee of the nature and substance of the cause alleged for the disciplinary action.
- b) Motion With-Respect Objecting to Charges

COMPTROLLER MERIT COMMISSION

NOTICE OF ADOPTED AMENDMENTS

or notice:

2) ~~the Code provides that any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any such investigation or hearing or who shall knowingly give false testimony herein, shall be guilty of a misdemeanor.~~

1) Upon written request by a party to a contested case, the Commission will issue a subpoena for attendance of a witness or production of books, papers, documents or other tangible objects at a hearing or deposition. Subpoena forms may be obtained by applying to the Office of the Commission.

2) The cost of service and witness and mileage fees shall be borne by the person requesting the subpoena. Witness and mileage fees shall be the same as are paid witnesses in the circuit courts of the State of Illinois.

3) The person requesting a subpoena shall be responsible for its service. A subpoena shall be served reasonably in advance of its return date. The subpoena shall state the telephone number and address of the person initiating its issuance and shall identify the person or evidence subpoenaed and the person to whom and the place, date and time at which it is returnable.

4) Within 5 days after service of a subpoena on any person, the person may file a petition to quash or modify the subpoena, stating reasons in support of such relief. A copy of the petition shall be served at the same time on the person serving the subpoena. Whenever a petition to quash a subpoena is properly filed under this Section, the petitioner shall not be required to respond to the subpoena until the petition has been ruled upon.

5) Any witness subpoenaed for a deposition may be required to attend only in the county in which he or she resides or is employed or transacts business in person or, in the case of a petitioner, in the county in which the action is pending or, for good cause shown, in any other place ordered by the Hearings Officer.

6) Whenever any person shall knowingly fail or refuse to comply with a subpoena served in accordance with this Section, the party serving the subpoena or the Commission shall petition the circuit court pursuant to the Code for an order enforcing the subpoena. The Code provides that any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any investigation or hearing or who shall knowingly give false testimony shall be guilty of a misdemeanor.

7) The appearance of a party or agent or employee of a party may be secured by merely serving the party with written notice designating the persons required to appear.

g) Pre-Hearing Conference

1) In any action, the Hearings Officer may hold a pre-hearing

COMPTROLLER MERIT COMMISSION

NOTICE OF ADOPTED AMENDMENTS

conference. At the conference, the parties, or their representative, shall appear as the Hearings Officer directs to consider:

A) ~~the simplification~~ Simplification of the issues;

B) Amendments to the charges;

C) ~~the possibility~~ Possibility of obtaining the admissions and stipulations of fact and of documents which will avoid unnecessary proof;

D) ~~the limitation~~ Limitation of the number of expert witnesses;

E) ~~Any other matters which may aid in the disposition of the action.~~ Pending motions; or

F) Other matters which may aid in the disposition of the action.

2) The Hearings Officer shall make an order which recites any the action taken, any agreement made by the parties as to any of the matters considered, and the issues to be heard.

h) Written Interrogatories

1) Any party may direct written interrogatories to any other party, provided that ~~said~~ the interrogatories are served 14 days prior to the scheduled hearing date or any continued hearing date. Interrogatories shall be restricted to the subject matter of the particular case.

2) Within ~~fourteen~~ 14 days after the service of the interrogatories, an answer or objection shall be made to each interrogatory. If any answer may be obtained from a document in the possession or control of a party, it shall be sufficient to specify that document as an answer.

3) Answers to interrogatories may be used in the same manner in Commission proceedings as depositions.

i) Depositions

Upon order of the Hearings Officer, ~~the Commission's~~ ~~its~~ ~~Hearings Officer or any party may cause a deposition of any witness to a deposition of any witness may be taken for use in a Commission proceeding. The deposition may be taken in the manner provided by law for depositions in civil actions in the courts of this State.~~

j) Written Admissions

A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request, or for the admission of genuineness of any relevant documents described in the request, provided that ~~said~~ the request is served 14 days prior to the scheduled hearing date or any continued hearing date. Copies of the documents shall be served with the request unless copies have already been furnished. Failure to answer ~~such~~ the request within a ~~15-day~~ 14-day period or any extensions thereof granted shall be deemed as an admission of all items contained in the request.

Opening and Closing Statements

k) Upon the opening of the hearing, the Hearings Officer may allow the

COMPTROLLER MERIT COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Petitioner petitioner and the **Respondent** respondent to make opening statements. Upon the close of the hearing, each side may make a closing statement orally and/or by written brief at the discretion of the Hearings Officer, incorporating arguments of fact and law.

- 1) Examination of Adverse Party or Agent
 - In the hearing of any case, any party or ~~his/her~~ the party's agent may be called and examined as if under cross-examination at the instance of any adverse party. The party calling for the examination ~~is not~~ ~~concluded thereby~~, but may rebut the testimony thus given and may impeach the witness by proof of prior inconsistent statements.

- m) Hostile Witnesses
 - If the Hearings Officer determines that a witness is hostile or unwilling, the witness may be examined by the party calling ~~him/her~~ the witness as if under cross-examination. The party calling an occurrence witness may, upon showing that ~~he/she~~ called the witness the witness was called in good faith but that the party is surprised by ~~his/her~~ the witness' testimony, impeach the witness by proof of prior inconsistent statements.

- n) Failure to Comply with Orders or Rules
 - If a party, or any person at the instance of or in collusion with a party, unreasonably refuses to comply with these rules, the **hearing** authority Hearings Officer may enter such adverse finding, order or decision as may be necessary to insure just disposition of the matter.

(Source: Amended at 18 Ill. Reg. 206, effective JAN 03 1995)

Section 100.80 Geographical Transfers

- a) In appeals to the Commission from permanent transfers from one geographical area in the State to another, the employee shall have the burden of introducing sufficient, competent, and credible evidence showing that the transfer was unreasonable, unjust, capricious or not a bona fide attempt to serve the best interests interest of the operating agency Office of the Comptroller.
- b) Under normal circumstances, a temporary transfer of an employee for a period in excess of 30 days will be considered a permanent transfer, enabling the employee to then appeal ~~such~~ the transfer without regard to Section 100.60(a) ~~herein~~.
- c) Unless inconsistent with this Section, the procedures governing Section 100.70 shall apply to geographical transfer hearings.

(Source: Amended at 18 Ill. Reg. 206, effective JAN 03 1995)

Section 100.90 Allocation Appeals

- a) An employee must, within 15 14 days after the day of receipt of the

COMPTROLLER MERIT COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Director's decision on reconsideration, serve notice upon the Commission of ~~his/her~~ the employee's intent to appeal the reconsideration decision of the Director. A copy of the notice of intent must be served upon the Director. ~~Such~~ The notice should shall state the name of the employee, ~~his/her~~ the employee's Department department and a description of the classification dispute.

- b) Upon the receipt of a notice of intent to appeal, the Director shall file with the Commission within 20 days a submission setting forth in full a clear and brief recitation of all relevant facts, ~~argumentative~~ ~~factor's~~ arguments and documentary evidence submitted in exhibit form to substantiate the reconsidered decision. If ~~said~~ the submission, as a matter of law, does not set forth facts and reasons from which it could be reasonably concluded that the employee is properly classified, summary judgment may be granted. A copy of the submission shall be served upon the employee.

- c) Within 20 days after the day of the receipt of the Director's submission, the employee must file with the Commission an answer setting forth all relevant facts, ~~argumentative facts~~ arguments and documentary evidence in exhibit form. A copy of ~~such~~ the answer must be served upon the Director. The employee shall point out with particularity its disagreement with the submission of the Director.

- d) If upon reviewing the material submitted by the Director, the employee desires an oral conference, ~~he/she~~ she should so indicate within five days of the receipt of the employee's material. An informal conference will be convened if requested by either of the parties and due notice will be given the party of the time and date of the conference which will be conducted in the presence of either the Chair or a Hearings Officer.

- e) Parties may be heard either in person, by counsel or by other representatives as they may ~~respectively~~ elect.

- f) Upon written request of either side, the Commission may issue subpoenas to compel the production of documents or persons having relevance to the issues of the dispute.

- g) The Commission may make its ~~decision~~ decision on the pleadings, ~~the~~ ~~submission~~ and ~~answer~~ or it may order formal hearings held on disputed issues of fact or law at the request of either party or upon its own motion.

- h) Upon failure to comply with these rules, the Commission may make its decision on the facts before it, if sufficient facts exist, or it may default the ~~non-complying~~ noncomplying party. Such ~~adverse~~ action shall be ~~deemed to be~~ a decision on the merits of the appeal. ~~In making such decision an~~ An adverse inference may be drawn against any party failing to comply with these rules.

COMPTROLLER MERIT COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- i) Unless inconsistent with this Section, the procedures governing Section 100.110 shall apply to formal allocation hearings.

(Source: Amended at 18 Ill. Reg. 206, effective JAN 03 1995)

Section 100.100 Personnel Merit Employment Code and Personnel Rule Violations

- a) A certified employee who believes that a personnel transaction has been falsely labeled in an attempt to deprive the Commission of jurisdiction under Section 9 of the Code and/or the procedures set forth in Section Sections 100.70, 100.80 and 100.90 of this Part herein, or who believes that a personnel transaction adversely affecting him/her the employee violates either the Code or the Personnel-Rules personnel rules (80 Ill. Adm. Code 500), may within a period of 15 days after receiving actual notice of such the violation appeal in writing to the Commission.
- b) The appeal must allege specific facts which if proven would establish a prima facie case that the personnel transaction named was a false transaction, or that the Code or and/or a Personnel-Rule personnel rule was violated in an attempt to deprive the employee of his/her rights under the Code or rules. Any appeal which fails to allege sufficient and specific facts to support the allegation may be summarily dismissed by the Commission.
- c) The Commission may make its decision on the appeal after an investigation of the allegations or it may order a hearing on any disputed issue of fact or law. In any hearing called under the provisions of this Section to resolve a dispute of fact, the employee has the burden of establishing by the introduction of competent evidence a prima facie case proving that the alleged violation took place.
- d) Nothing in this Section shall be construed to preclude employees from timely asserting any other rights given to them under the provisions of the Code or Personnel Rules.
- e) Unless inconsistent with this Section, the procedures governing Section 100.70 shall apply to this Section.

(Source: Amended at 18 Ill. Reg. 206, effective JAN 03 1995)

Section 100.110 Qualification and Authority of the Hearings Officer

- a) The Hearings Officer appointed by the Commission shall have the authority to conduct hearings and pre-hearing conferences to administer oaths to examine witnesses to make rulings on motions and to issue order subject to Commission review. He/she shall also have authority to rule on any substantive or procedural matters not covered within these rules, such rulings to be subject to the final

COMPTROLLER MERIT COMMISSION

NOTICE OF ADOPTED AMENDMENTS

review of the Commission

- a) Qualification of Hearings Officer
A Hearings Officer shall possess a license to practice law in the State of Illinois.
- b) In every contested case, the Hearing Officer shall prepare a proposal for decision in accordance with Section 10-45 of the Illinois Administrative Procedure Act. It shall be forwarded to the parties in sufficient time to allow the filing of written exceptions and legal arguments prior to the Commission rendering a final decision.
Authority of Hearings Officer

The Hearings Officer has the authority to conduct hearings and pre-hearing conferences, to take all necessary action to avoid delay, to maintain order, and to insure the development of a clear and complete record. The Hearings Officer shall have all powers necessary to conduct a hearing, including the power to:

- 1) Administer oaths and affirmations;
- 2) Regulate the course of hearings, set the time and place for continued hearings, fix times for filing of documents, provide for the taking of testimony by deposition if necessary, rule on motions, and generally conduct the proceedings according to this Part, Article 10 of the IAPA and principles of administrative law as applied by the courts and this subsection;
- 3) Examine witnesses and direct witnesses to testify;
- 4) Limit the number of times any witness may testify, limit repetitious or cumulative testimony and set reasonable limits on the amount of time each witness may testify or be cross-examined;
- 5) Rule upon offers of proof and receive relevant evidence;
- 6) Direct parties to appear and confer for the settlement or simplification of issues and otherwise conduct pre-hearing conferences;
- 7) Dispose of procedural requests or similar matters;
- 8) Render findings of fact, opinions and recommendations for an order of the Commission;
- 9) Reprimand or exclude from the hearing any person for indecorous or improper conduct committed in the presence of the Hearings Officer;
- 10) Take official notice of generally recognized facts, administrative rules and regulations, and statutes;
- 11) Prepare, in every contested case, a proposal for decision in accordance with Section 10-45 of the Illinois Administrative Procedure Act, which shall be forwarded to the parties in sufficient time to allow the filing of written exceptions and legal arguments prior to the Commission rendering a final decision;
- 12) Rule on any substantive or procedural matters not covered within this Part, such rulings to be subject to the final review of the Commission; and

COMPTROLLER MERIT COMMISSION

NOTICE OF ADOPTED AMENDMENTS

13) Enter any order that further carries out the purpose of this Part.

c) Disqualification of Hearings Officer

1) A Hearings Officer assigned to a proceeding may, upon written request to and approval of the Merit Commission, recuse himself or herself.

2) Whenever any party believes a Hearings Officer for any reason should be disqualified from conducting, or continuing to conduct, a proceeding assigned to him or her, such party may file a motion to disqualify the Hearings Officer, setting forth by affidavit the alleged grounds for disqualification. The Hearings Officer shall have 7 days after filing of the motion within which to enter a written ruling. A copy of the ruling shall be served upon all parties. The Commission may, on its own motion, review rulings denying or granting a motion for disqualification.

(Source: Amended at 18 Ill. Reg. 206, effective JAN 03 1995)

Section 100.115 Ex Parte Consultations

a) Except in the disposition of matters which they are authorized by law to entertain or dispose of on an ex parte basis, neither Commission Members, employees, nor Hearings Officers shall, after the filing of a case, communicate, directly or indirectly, in connection with any issue of fact, with any person or party or in connection with any other issue with any party or the party's representative, except upon notice and opportunity for all parties to participate. However, a Commission Member may communicate with other Members of the Commission, and a Commission Member or Hearings Officer may have the aid and advice of one or more personal assistants.

b) Communications regarding procedure, such as format of pleadings, number of copies required, manner of service, status of proceedings, and continuances, are not considered to be ex parte communications. However, requests for continuances shall not be granted until the opposing party is notified either orally or in writing that a request is going to be made and is given an opportunity to respond.

(Source: Added 18 Ill. Reg. 206, effective JAN 03 1995)

Section 100.117 Response to Proposed Decision

a) In a contested case where the Members of the Commission have not heard the case or read the record, the findings and decision of the Hearings Officer appointed by the Commission to conduct the hearing or the results of the investigation shall be mailed to the parties prior to the Commission rendering a final decision.

COMPTROLLER MERIT COMMISSION

NOTICE OF ADOPTED AMENDMENTS

b) An original and 4 copies of the response shall be filed in the Office of the Commission. The responses shall be accompanied by proof that a copy of the response was served upon the opposing party.

(Source: Added 18 Ill. Reg. 206, effective JAN 03 1995)

Section 100.120 Record of Proceedings

In all hearings, other than informal allocation conferences, held before the Commission or a Hearings Officer duly appointed by the Commission to conduct such hearings, the Department department which is a party hereto shall arrange for a record of the proceedings to be made stenographically or by other means as to adequately insure the preservation of such the proceeding. Transcription shall be made on the request of any party if not ordered by the Commission or its Hearing Hearings Officer. Any such record will be available for examination by the public at reasonable times in the Springfield office Office; and, upon written request made at least forty-eight-48 hours (exclusive of Saturdays, Sundays and official State holidays) in advance, the Commission will make any such the record available for examination at its-office the Office of the Commission.

(Source: Amended at 18 Ill. Reg. 206, effective JAN 03 1995)

Section 100.130 Authority of Commission Over Hearings Officer

The Commission shall have the authority to affirm, remand, reverse, modify or set aside in whole or in part the orders or Proposal for Decision of the Hearings Officer. At Upon the concurrence of at least two 2 members Members of the Commission concurring--therein, a decision shall become final on the date such the decision is announced at a public meeting. The Commission shall in its final order designate the parties of record to the proceedings.

(Source: Amended at 18 Ill. Reg. 206, effective JAN 03 1995)

Section 100.140 Administrative Review

When the Commission renders a final decision, any affected party affected thereby is entitled to have such-a the decision reviewed by the Circuit-Court circuit court under the Administrative Review Law 410-Rev-Stat-1987-CH-1107--PART-3-19--et--seq-7 [735 ILCS 5/Art. III] by filing a complaint and causing the issuance of summons on the administrative agency and on each of the other defendants within 35 days from the date that a copy of such the decision sought to be reviewed was served upon him/her the employee.

(Source: Amended at 18 Ill. Reg. 206, effective JAN 03 1995)

COMPTROLLER MERIT COMMISSION
NOTICE OF ADOPTED AMENDMENTS

JAN 03 1995

Section 100.150 Adoption, Amendment, and Recision of Rules

- a) ~~Effective Date~~
~~These rules shall become effective in accordance with the provisions~~
~~of the Illinois Administrative Procedure Act.~~
b) ~~Adoption, Amendment, and Recision~~

The Commission may adopt, amend or rescind any ~~rules~~ rule consistent with the provisions of the Code, at a regular or special meeting of the Commission, provided that at least ~~two~~ 2 of the ~~members~~ Members are present at such the meeting and provided further that written notice has been given to all ~~members~~ Members of the Commission at least ~~ten~~ 10 days before the meeting at which such the action is to be taken. ~~Any rule so adopted, amended or rescinded shall become effective in accordance with the provisions of the Illinois Administrative Procedure Act.~~

(Source: Amended at 18 Ill. Reg. 206.1 effective
JAN 03 1995)

COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Claim Eligible to be Offset
- 2) Code Citation: 74 Ill. Adm. Code 285
- 3) Section Numbers:
285.1100 Amended Section
285.1101 Amended Section
285.1102 Amended Section
285.1103 Amended Section
285.1104 Amended Section
285.1105 Amended Section
285.1106 Amended Section
285.1107 Amended Section
285.1108 Amended Section
285.1109 Amended Section
285.1110 New Section
Adopted Action:
Amended Section
Amended Section
Amended Section
Amended Section
Amended Section
Amended Section
Amended Section
Amended Section
Amended Section
New Section
- 4) Statutory Authority: Authorized by Section 21 of the State Comptroller Act (15 ILCS 405/21).
- 5) Effective Date of Rulemaking: December 30, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: December 28, 1994
- 9) Notice of Proposal Published in Illinois Register:
August 26, 1994, 18 Ill. Reg. 12944
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? There is no letter agreement with JCAR
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking:
These rules provide details of the process of offsetting payments made by the State of Illinois to third parties indebted to the State of Illinois. The amendments outline the mandatory referral of all debts in excess of \$1,000 and over one (1) year old and exceptions to the mandatory referral,

COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

implement gender neutral language, clarify that one State agency may not offset another State agency, impose a 90 day deadline for State agencies to respond to the Comptroller's request for documentation of the debt, provide notification procedures to be used by the Comptroller, and provide for a transition period for the resolution of all protests currently on file with the Comptroller.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Kim L. Kirn, Assistant Legal Counsel
Address: Office of the Comptroller
Room 201 State Capitol
Springfield, Illinois 62706

Telephone: (217)782-6000

The full text of the Adopted Amendments begins on the next page:

COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

TITLE 74: PUBLIC FINANCE
CHAPTER II: COMPTROLLER

PART 285

CLAIM ELIGIBLE TO BE OFFSET

Section	Foreword
285.1100	Definitions
285.1101	Request for Processing a Claim Under Section 10.05 of the Act
285.1102	Warrants Subject to Deduction
285.1103	Processing a Claim Under Section 10.05
285.1104	Wage Deductions
285.1105	Ascertaining the Amount Due and Payable to the State
285.1106	Notification of the Comptroller's Exercise of Section 10.05
285.1107	Record Retention
285.1108	Accounting for Recovery
285.1109	Transition Period
285.1110	

AUTHORITY: Implementing Section 10.05 and authorized by Section 21 of the State Comptroller Act [15 ILCS 405/10.05 and 21]. Also implementing Section 5 of the Illinois State Collection Act of 1986 [30 ILCS 210/5].

SOURCE: Adopted at 5 Ill. Reg. 423, effective December 30, 1980; codified at 5 Ill. Reg. 10598; amended at 8 Ill. Reg. 2451, effective February 9, 1984; amended at 10 Ill. Reg. 10538, effective June 3, 1986; amended at 11 Ill. Reg. 11996, effective July 7, 1987; amended at 11 Ill. Reg. 18630, effective October 29, 1987; amended at 15 Ill. Reg. 5070, effective March 21, 1991; amended at 19 Ill. Reg. 227, effective DEC 30 1994.

Section 285.1100 Foreword

This Part is adopted for the purpose of establishing procedures for making offsets of claims eligible to be offset from warrants to be issued to persons entitled to them, in accordance with Section 10.05 of the State Comptroller Act [15 ILCS 405/10.05] and the Illinois State Collection Act of 1986 [30 ILCS 210/5]. This Part is promulgated pursuant to the authority contained in Section 21 of the State Comptroller Act [15 ILCS 405/21].

(Source: Amended at 19 Ill. Reg. 227, effective DEC 30 1994)

Section 285.1101 Definitions

As used in this Part unless the context indicates otherwise, the following terms shall have the meanings specified:

COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

"Account or claim eligible to be offset", means an amount owed to the State or to any of its agencies or instrumentalities or other amount authorized by statute to be collected through offset which represents:

an outstanding liability of a person to a fund in the State Treasury or other fund held by the State Treasurer,

an outstanding liability of a person to a fund not held by the State Treasurer, where such amount exceeds \$50,

past due child support owed by a person as a result of support action being taken by the Department of Public Aid under Article X of the Illinois Public Aid Code ~~§§11-Rev-Stat-1985-ch--237 par--10-1-et-seq~~ [305 ILCS 5/Art. XI], whether or not such support is owed to the State,

delinquent or defaulted amounts due and owing from a borrower, whether or not due and owing to the State, on any loan guaranteed by the Illinois State Scholarship Commission under the Higher Education Student Assistance Law Act ~~§§11-Rev-Stat--1985--ch-122-par--30-15-et-seq~~ [110 ILCS 947] or on any "eligible loan" as that term is defined under the Educational Loan Purchase Program Law ~~§§11-Rev-Stat--1985-ch--122-par-30-15-1a-et-seq~~ [110 ILCS 947/125 to 170], or

any amounts recoverable under Section 120 of the School--Code Higher Education Student Assistance Act ~~§§11-Rev-Stat--1985-ch-122-par--30-15-1a~~ [110 ILCS 947/120], whether or not any amounts so recoverable are due and owing to the State, in a civil action from a person who received a scholarship, grant, monetary award or guaranteed loan.

"Act", means the "State Comptroller Act" ~~§§11-Rev--Stat--1985--ch-15-par--201-et-seq~~ [15 ILCS 405].

"Comptroller", means the Comptroller of the State of Illinois or any employee of the Office of the Comptroller authorized by the Comptroller, directly or indirectly by one or more redelinations of authority, to perform the functions and duties required by the Act or this Part.

"Disposable earnings", means that part of the earnings of an individual remaining after deduction of any amounts required by law to be withheld (e. g. Federal and State income tax withholding; Social Security (F.I.C.A.) withholding; pension/retirement withholding).

"Net amount of the warrant", means that amount of money, which a State agency has authorized the Comptroller to order the payment of,

COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

remaining after all involuntary and voluntary deductions are made and deferred compensation is deducted.

"Offset", means a contrary claim or demand by which a given person's claim to a warrant of the State Comptroller may be lessened or cancelled.

"Person", means any individual, corporation, company, association, firm, partnership, society, joint stock company, unit of local government or any other organization.

"Person subject to the offset", means the payee of any warrant from which the Comptroller has offset an account or claim eligible to be offset.

"Received a voucher", means that point in time when the Comptroller has physically received the voucher in-house and has date-stamped the voucher.

"Section 10.05 of the Act", means Section 10.05 of the State Comptroller Act ~~§§11-Rev-Stat--1985-ch-15-par--210-05~~ [15 ILCS 405/10.05].

(Source: Amended at 19 Ill. Reg. 227, effective DEC 30 1994)

Section 285.1102 Request for Processing a Claim Under Section 10.05 of the Act

a) All debts that exceed \$1,000 and are more than one (1) year past due shall be placed in the Comptroller's Offset System except:

1) if the State agency to which the debt is owed has entered into a deferred payment plan or other settlement agreement with the debtor; or

2) if the State agency to which the debt is owed demonstrates to the Comptroller's satisfaction that use of the Comptroller's Offset System is not cost effective. Such demonstration shall be based on efficiency to the State and maximizing the portion of the debt that will be recovered by the State.

a+b) The Comptroller will not process a claim under Section 10.05 of the Act until the Comptroller has received notification from the State agency that the debt has been established through notice and opportunity to be heard.

b+c) For purposes of Section 10.05 of the Act and this part promulgated pursuant thereto, "notification" of an account or claim eligible to be offset shall be deemed to occur when the State agency in favor of which the account or claim has arisen has submitted to the Comptroller, the following information:

1) the name---address and Social Security Number or Federal

COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

until ~~he~~ the Comptroller ascertains the amount due and payable as provided in Section 285.1106(c).

~~etc.)~~ If the Comptroller receives a proper request for a claim after he has drawn a warrant(s), ~~he~~ the Comptroller shall, where feasible, reprocess the warrant in order that ~~he may apply~~ the offset ~~against it~~ may be taken, as provided for in this Section.

~~etd.)~~ If the amount of the claim eligible to be offset is less than the amount to which the person is entitled, the Comptroller shall draw a warrant for the balance of the amount of the voucher against which the Comptroller has made the offset and shall issue that warrant to the person subject to the offset.

~~etf.)~~ In cases where offsets are to be made against an employee's wages, no more than 25% of the employee's disposable earnings may be subject to offset. ~~bump--sum~~ Final compensation payments paid to a person when the person leaves the employ of a State agency for accrued vacation, sick leave or overtime are exempt from the 25% limitation. State agencies may submit claims for offset for the entire amount owed to the State agency and the Comptroller's Offset System will compute the required 25% available for offset. In the event that the calculation of 25% of the employee's disposable earnings exceeds the net amount of the warrant (i.e., the employee's take-home pay), that employee's payroll voucher will be returned to the submitting agency. A payroll reversal will be processed and the employee's voluntary deductions must be cancelled or reduced so that the employee's take-home pay will be sufficient to satisfy the amount calculated as available for offset. Agencies should contact their employees to determine which of the voluntary deductions are to be cancelled or reduced.

~~f.)~~ The limitations set forth in subsection (e) above apply to:

- 1) wage or salary payments; and
- 2) regular and continuing contractual payments made to an individual for personal services paid on a contractual payroll.

(Source: Amended at 19 Ill. Reg. 227, effective
DEC 30 1994)

Section 285.1105 Wage Deductions

Section 10.05 claims have priority over all wage deduction summonses. If the amount of money represented by the voucher against which the Comptroller is making an offset under Rule 1104 (74 Ill. Adm. Code Section 285.1104) is subject to a wage deduction and is insufficient to satisfy the amount required to be offset, the Comptroller shall make an offset against any amounts that were deducted from that warrant and placed in the Garnishment Trust Fund.

(Source: Amended at 19 Ill. Reg. 227, effective
DEC 30 1994)

Section 285.1106 Ascertaining the Amount Due and Payable to the State

COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

a) Upon processing a Section 10.05 claim, the Comptroller shall, as soon as is practicable, give notice in writing to the person subject to the offset which notice:

1) shall state that a request has been made pursuant to Section 10.05 of the State Comptroller Act to make an offset against any warrant on funds held by the State Treasurer which is now or which may become payable to that person;

2) shall identify the State agency submitting the offset request and the reason for such request; and

3) shall inform the person that, if he or she does not owe any or all of the amount claimed to be due and payable to the State, the person may, within 30 days of the Comptroller's giving notice, make a written protest as prescribed in subsection (b) of this section. The notice to the person subject to the offset required by this subsection shall be deemed to have been given if such notice is enclosed in an envelope plainly addressed to such person, United States postage fully prepaid, and deposited in the United States mail.

b) Persons wishing to make a protest to the Section 10.05 offset shall, within 30 days of the Comptroller's giving notice as prescribed in subsection (a) above, notify the Comptroller in writing of:

1) the reasons for contesting the claim of the State;

2) the amount, if any, that the person acknowledges to be due and payable to the State; and

3) any other information that will enable the Comptroller to determine the amount, if any, that is due and payable to the State.

c) Upon receipt of a timely protest, the Comptroller shall determine the amount due and payable to the State. This determination shall be made in light of all information relating to the transaction in the possession of the Comptroller and any other information the Comptroller may reasonably request and obtain from the State agency and the person subject to the offset.

d) If the Comptroller requests information from the State agency relating to the offset, the State agency shall respond within 90 days of the Comptroller's request. The Comptroller may grant a State agency an additional 90 day extension of time to respond for the following reasons:

1) the State agency is actively pursuing further investigation;

2) the matter is in active settlement negotiations; or

3) other good cause shown by the State agency.

~~etf.)~~ From the deposit into the State Offset Claim Fund made pursuant to Rule Section 1104(c) (74 Ill. Adm. Code Section 285.1104(c)), the Comptroller shall issue a warrant to the appropriate fund to the credit of the State agency entitled thereto, for the amount found due and payable to the State. Any balance of that deposit shall be returned to the person subject to the offset.

COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 19 Ill. Reg. 227, effective DEC 30 1994)

Section 285.1107 Notification of the Comptroller's Exercise of Section 10.05

Whenever the Comptroller exercises his authority granted under Section 10.05, the person subject to the offset and the agency that originated the voucher shall be sent a copy of the voucher against which the deduction was made, ~~along with~~ or a written statement of containing all relevant information from the voucher. The written statement shall include the reason for the deduction which and shall indicate the amount of money deducted. The person subject to the offset and the agency originating the voucher shall receive a copy of the written statement; however, the agency may waive its right to receive the written statement and the voucher. At the request of the State agency submitting the claim for offset, the Comptroller shall notify said State agency by letter or other means of the offset including the amount of money deducted.

(Source: Amended at 19 Ill. Reg. 227, effective DEC 30 1994)

Section 285.1108 Record Retention

The Comptroller shall retain ~~in his records~~ a copy of the written statement of the reason for the deduction in accordance with the State Records Act [5 ILCS 160] and the State Comptroller Act [15 ILCS 405].

(Source: Amended at 19 Ill. Reg. 227, effective DEC 30 1994)

Section 285.1109 Accounting for Recovery

Whenever the Comptroller deducts an amount from a warrant under Section 10.05 of the State Comptroller Act, ~~he~~ the Comptroller shall charge the vouchering agency for the full amount of the voucher submitted. Recovery of the account or claim eligible to be offset will be handled in the following manner: if the account or claim eligible to be offset arose from an expenditure by a State agency and the appropriation to which the expenditure was charged has not lapsed, the amount recovered shall be credited to such appropriation as well as the fund from which the expenditure was made and shall be available for expenditure. If the appropriation to which the expenditure was charged has lapsed, or if the expenditure was not charged to an appropriation, the amount recovered shall be credited to the fund from which the expenditure was made and shall be available for expenditure unless such credit or availability is otherwise prohibited by law. If the account or claim eligible to be offset arose from an occurrence other than expenditure, the recovery shall be credited to the General Revenue Fund unless otherwise provided by law. Child support claims which are recovered will be turned over to the Department of Public Aid for distribution to those persons entitled to such claims.

COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 19 Ill. Reg. 227, effective DEC 30 1994)

Section 285.1110 Transition Period

Beginning with the effective date of this Part, for all protests currently on file with the Comptroller, the Comptroller shall notify the State agency which has submitted the claim for offset, of the mandatory 90 day response period and of the possibility of a 90 day extension of the response period. At the conclusion of the response period, the Comptroller shall make a determination of the amount due and payable to the State based on all of the information relating to the transaction in the possession of the Comptroller.

(Source: Added at 19 Ill. Reg. 227, effective DEC 30 1994)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part:

Lead Poisoning Prevention Code

2) Code Citation:

77 Ill. Adm. Code 845

3) Section Numbers: Adopted Action:

845.10	Amendment
845.12	New Section
845.26	Amendment
845.28	Amendment
845.29	Amendment
845.30	Amendment
845.31	New Section
845.32	New Section
845.33	New Section
845.50	Amendment
845.Appendix E	Amendment

4) Statutory Authority:

Implementing and authorized by the Lead Poisoning Prevention Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1301 et seq.) (410 ILCS 45).

5) Effective Date of Rulemaking:

December 31, 1994

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain any Incorporation by Reference?

No

8) Date Filed in Agency's Principal Office:

December 31, 1994

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register:

18 Ill. Reg. 8021 - May 27, 1994

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? No

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

11) Difference Between Proposal and Final Version:

The following changes were made during the first notice period:

In Section 845.10 the definitions of "defective surface" and "intact surface" have been revised to refer to worn down surfaces in addition to damaged surfaces.

In Section 845.28(f)(2) the option of an 3 hour (one day) training course for lead inspectors who have one year of experience has been deleted.

The following sentence has been added at the end of Section 845.30((a):

The Department or delegate agency will provide the occupant of the dwelling with a copy of any mitigation notice, amended notice, mitigation plan, amended plan, or follow-up inspection report issued pursuant to this subsection (a).

Section 845.30(c)(4) and (5) have been combined and modified to read as follows:

A mitigation plan shall be submitted by the owner or its agent to the Department or delegate agency specifying the method or methods by which surfaces which will be managed-in-place are to be maintained in an intact condition. The plan shall include an inspection schedule, which shall include inspection by the owner or its agent at least annually, and a maintenance schedule. Any surfaces that are not intact, as determined through an inspection, shall be repaired using the mitigation techniques specified in subsections (c)(1), (2), and (3) of this Section.

Section 845.30(h)(4) has been modified to specify that materials used in lead abatement must comply with local building ordinances or codes.

Section 845.33, concerning circumstances in which a building owner would not be required to abate a dwelling, has been modified by the deletion of property for which the owner agrees to prohibit the use by children under the age of seven.

In addition, various technical, editorial and grammatical changes were made in response to suggestions of the Joint Committee on Administrative Rules and the Administrative Code Division.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

All changes agreed between the Department and the Joint Committee on

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Administrative Rules have been made.

- 13) Will the Rulemaking Replace an Emergency Rule Currently in Effect?

No

- 14) Are there any other New Sections Pending on this Part?

No

- 15) Summary and Purpose of Rulemaking:

This rulemaking implements Public Act 87-1141 (HB 3638) by prescribing licensure standards for lead contractors, contractor/supervisors and workers. These requirements include application and examination procedures, licensure fees, license revocation provisions, and approved content for required training courses. The rulemaking also specifies the procedures that will be followed by the Department or delegate agency in requiring mitigation of a lead hazard, when such a hazard is found to exist through an environmental inspection. Time limits and procedures for mitigation of identified lead hazards are specified in the rules, as well as information on what constitutes a mitigated lead hazard. The rules also indicate that lead abatement may be necessary in certain instances when mitigation is impractical or insufficient. In addition, the rules mention circumstances in which lead mitigation or abatement are not required.

- 16) Information and Questions Regarding this Adopted Rulemaking Shall be Directed to:

Ms. Gail M. Devito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, (217)782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER P: HAZARDOUS AND POISONOUS SUBSTANCES

PART 845

LEAD POISONING PREVENTION CODE

Section	Definitions
845.10	Incorporated Materials
845.12	Lead Screening
845.15	Reporting
845.20	Laboratory Fees for Blood Lead Screening
845.23	Case Follow-Up
845.25	Inspection of Dwellings, Residential Buildings or Child Care Facilities
845.26	Lead Inspector, Worker, Contractor/Supervisor, and Contractor Licensing
845.28	Safety Guidelines for Workers Removing or Covering Leaded Soil
845.29	Mitigation of Abatement of Lead Hazards
845.30	Lead Abatement Contractor Responsibilities
845.31	Lead Abatement Contractor Responsibilities
845.32	Dwellings Not Requiring Abatement or Mitigation
845.33	Approval of Units of Local Government or Health Departments as Delegate Agencies to Administer and Enforce the Lead Poisoning Prevention Act
845.40	Permissible Limits of Lead in and about Dwellings, Residential Buildings or Child Care Facilities
845.50	Placarding of Dwellings (Repealed)
845.60	Instructions for Childhood Blood Lead Poisoning Reporting System
APPENDIX A	Instructions for Completing the Laboratory Based Report of Childhood Lead Poisoning
EXHIBIT A	Instructions for Submitting the Medical Follow-Up Data of Childhood Blood Lead Levels of 15 mcg/dl and Above
EXHIBIT B	Instructions for Reporting Information by Delegate Agencies on Environmental Inspection for Cases of 20 mcg/dl and Above
EXHIBIT C	Testing for Lead in Paint by Portable X-Ray Fluorescence Lead in Paint Analyzer (XRF)
APPENDIX B	Testing for Lead Using a Spectrum Analyzer
APPENDIX C	ILLUSTRATION A Inspection Forms and Diagram of Building Components
APPENDIX D	ILLUSTRATION B Recommended Set-up and Use of a Negative Pressure System
APPENDIX E	ILLUSTRATION C Examples of Negative Pressure Systems
APPENDIX F	Soil Sampling

AUTHORITY: Implementing and authorized by the Lead Poisoning Prevention Act (Ill. Rev. Stat. 1991, ch. 111 § 2, par. 1301 et seq.) [410 ILCS 45].

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted July 15, 1976; amended at 2 Ill. Reg. 43, effective October 23, 1978; rules repealed; new rules adopted and codified at 6 Ill. Reg. 14849, effective November 24, 1982; amended at 7 Ill. Reg. 7652, effective June 14, 1983; amended at 8 Ill. Reg. 8242, effective May 25, 1984; amended at 10 Ill. Reg. 5139, effective April 1, 1986; amended at 17 Ill. Reg. 1884, effective February 1, 1993; amended at 19 Ill. Reg. 258, effective DEC 31 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parenthesis; subscript are denoted by brackets.

Section 845.10 Definitions

"Act" means the Lead Poisoning Prevention Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1301 et seq.) [410 ILCS 45].

"Chemical Spot Test" means the use of sodium rhodizonate to obtain a qualitative determination of lead.

"Child" means a person under the age of 16.

"Child Care Facility" means any structure used by a child care provider licensed by the Department of Children and Family Services or public school structure frequented by children under 6 years of age. (Section 2 of the Act)

"Confirmed blood lead level" means that an elevated blood lead level is confirmed by a second blood lead test. A confirmed blood lead test for levels over 20 mcg/dl is a venous specimen.

"Defective Surface" means peeling, flaking, chalking, scaling or chipping paint; paint over crumbling, cracking or falling plaster or plaster with holes in it; paint over a defective or deteriorating substrate; or paint that is damaged or worn down in any manner such that a child can get paint from the damaged area.

"Delegate Agency" means a unit of local government or health department approved by the Department to carry out the provisions of the Lead Poisoning Prevention Act. (Section 2 of the Act)

"Department" means the Department of Public Health of the State of Illinois. (Section 2 of the Act)

"Director" means the Director of the Department of Public Health of the State of Illinois.

"Dwelling" means any structure all or part of which is designed or used for human habitation. (Section 2 of the Act)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Encapsulant" means any liquid applied product which covers, seals, or encapsulates a lead-based painted surface in a manner which is designed to reduce human exposure to lead.

"Exposed Surface" means any interior or exterior surface of a dwelling or residential building. (Section 2 of the Act)

"Health Care Provider" means any person providing health care services to children, who is authorized pursuant to the Clinical Laboratory Act to request the testing of specimens, but does not include dentists. "Health Care Provider" includes podiatrists and physicians other than those licensed to practice medicine in all its branches.

"HHPA Vacuum Equipment" means vacuuming equipment with a high efficiency particulate air filter capable of trapping and retaining 99.97 percent of particles greater than 0.3 micrometers in mass median aerodynamic equivalent diameter.

"Intact surface" means a surface with no loose, peeling, chipping or flaking paint. Intact surfaces that are painted must be free from crumbling, cracking or falling plaster and should not have any holes. Intact surfaces must not be damaged or worn down in any way that would make paint from the damaged area accessible to children.

"Lead Abatement" means any activity that will result in the removal of windows, walls, floors, ceilings or exterior surfaces which may result in the creation of a hazardous level of leaded chips, flakes, dust or any other form of leaded substance that can be ingested or inhaled during such activity.

"Lead Abatement Contractor/Supervisor" means any person employed by a lead abatement contractor and licensed by the Department to perform lead abatement and mitigation, and supervise lead abatement workers who perform lead abatement and mitigation.

"Lead Bearing Substance" means any dust on surfaces or in furniture or other nonpermanent elements of the dwelling and any paint or other surface coating material containing more than five-tenths of one percent (0.5%) lead by weight (calculated as lead metal) in the total nonvolatile content of liquid paint. The term "lead bearing substance" also includes lead bearing substances containing greater than one milligram per square centimeter or any lower standard for lead content in residential paint as may be established by federal law or regulation; or more than 1 milligram per square centimeter in the dried film of paint or previously applied substance; or object containing lead in excess of the amount specified in this Part or a lower standard for lead as may be established by federal regulation. (Section 2 of the Act)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Lead Hazard" means a lead bearing substance that poses an immediate health hazard to humans. (Section 2 of the Act)

"Lead Management Plan" means a written statement that describes how an intact surface with lead-based paint will be monitored to assure that, if the intact surface becomes defective, the defective surface will be abated or mitigated.

"Lead Mitigation" means the remediation of a lead hazard so that the lead bearing substance does not pose an immediate health hazard to humans. A lead hazard is deemed to have been mitigated if the surface that is the source of the lead hazard is no longer in a condition that produces a hazardous level of leaded chips, flakes, dust or any other form of leaded substances, that can be ingested or inhaled by humans; or if the leaded surface is accessible to children, the surface coating is covered or the access to the leaded surface by children is otherwise prevented.

"Lead Poisoning" means the conditions of having blood lead levels in excess of those considered safe under this Part (see "permissible limits") and federal rules and regulations. (Section 2 of the Act)

"Local Health Department" means the health department or board of health as recognized by the Department which has jurisdiction over the particular geographical area in which the person lives.

"Notice" means any written notification, as specified in this Part, to be issued by the Department or a delegate agency.

"Occupant" means any person who lives in a dwelling as defined in this Part.

"Owner" means any person, who alone, jointly or severally with others:
Has legal title to any dwelling or residential building, with or without accompanying actual possession of the dwelling or residential building, or
Has charge, care or control of the dwelling or residential building as owner or agent of the owner, or as executor, administrator, trustee, or guardian of the estate of the owner.
(Section 2 of the Act)

"Permissible limits" for reporting purposes means a confirmed blood lead level (PbB) of less than 10 micrograms/deciliter (mcg/dl) of whole blood in a child under age 16 years, less than 10 mcg/dl for a pregnant or breast-feeding woman and less than 25 mcg/dl for all other persons.

"Person" means any one or more natural persons, legal entities,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

governmental bodies, or any combination.

"Residential Building" means any room, group of rooms, or other interior areas of a structure designed or used for human habitation; common areas accessible by inhabitants; and the surrounding property or structures. (Section 2 of the Act)

"Work Area" means exterior areas where lead abatement activities are conducted.

"Work Site" means the room or rooms undergoing lead abatement activities in a single family dwelling or the room or rooms and common area of a residential building.

(Source: Amended at 19 Ill. Reg. 238, effective DEC 31 1994)

Section 845.12. Incorporated Materials

a) The following materials are incorporated by reference in this Part:

- 1) Occupational Safety and Health Administration (OSHA) Lead Standard 1910.1025 and 29 CFR 1926.62 (1993);
 - 2) Department of Housing and Urban Development (HUD) Guidelines, Lead-Based Paint: Interim Guidelines for Hazard Identification and Abatement in Public and Indian Housing, Revised Chapters 5, 8, 9, 10 and 11 (1994);
 - 3) Occupational Safety and Health Administration (OSHA) regulations at 29 CFR 1910.1001 and 29 CFR 1926.62 (1993);
 - 4) OSHA Interim Final Rule for Lead in Construction - 29 CFR 1926.62.
- b) All incorporations by reference of federal regulations or standards and the standards of nationally recognized organizations refer to the regulation or standard on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Added at 19 Ill. Reg. 238, effective DEC 31 1994)

Section 845.26. Inspection of Dwellings, Residential Buildings or Child Care Facilities

- a) A representative of the Department or delegate agency may, after notification that a child who is an occupant or frequent inhabitant of a dwelling, child care facility, or residential building is found to have a confirmed blood lead level of 20 mcg/dl or higher, inspect the dwelling, residential building, or child care facility for the purpose of determining the source of lead poisoning. In the following cases, an environmental inspection and follow-up shall be conducted by the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Department or delegate agency:

- a) a child receiving chelation therapy for lead poisoning whose physician requests an inspection to determine if the child should be removed from the dwelling or residential building due to a lead hazard;
- b) a child with confirmed lead poisoning at or above 20 mcg/dl, at the request of the Department of Children and Family Services;
- c) a child with confirmed lead poisoning at or above 45 mcg/dl. An environmental inspection is also recommended for each case in which a child has confirmed lead poisoning at or above 20 mcg/dl; or
- d) a child with a persistent blood lead level of 15-19 mcg/dl over a six-month period.

1) Following an inspection, the Department or its delegate agency shall:

- A) State the address of the dwelling unit;
- B) Describe the scope of the inspection, the inspection procedures used, and the method of ascertaining the existence of a lead bearing substance in the dwelling unit;
- C) State whether any lead bearing substances were found in the dwelling unit;
- D) Describe the nature, extent, and location of any lead bearing substance that is found;
- E) State either that a lead hazard does exist or that a lead hazard does not exist. If a determination is made that a lead hazard does exist, the report shall describe the source, nature and location of the lead hazard. The existence of intact lead paint does not alone constitute a lead hazard for the purposes of this Section;
- F) Give the name of the person who conducted the inspection and the person to contact for further information regarding the inspection and the requirements of this Part and the Act.

2) Mail or otherwise provide a copy of the inspection report to the property owner and to the occupants of the dwelling unit. If a lead bearing substance is found, the Department or its delegate agency shall attach a brochure containing information on lead abatement and mitigation to the copy of the inspection report provided to the property owner and the occupants of the dwelling unit. (Section 8 of the Act)

(Source: Amended at 19 Ill. Reg. **238**, effective DEC 31 1994)

Section 845.28 Lead Inspector, Worker, Contractor/Supervisor, and Contractor Licensing

- a) A person shall be licensed by the Department prior to engaging in lead inspection activities. The Department shall issue a "Lead Inspector's

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"License" to qualified applicants. In order to qualify, an applicant shall:

- 1) be at least 18 years of age;
- 2) attend a Department approved course, in accordance with subsection (f) below of this Section, and pass the examination administered at the conclusion of the course;
- 3) submit a recent 1" x 1" photograph of applicant for proper identification of the licensee. The license shall not be issued without an identification photograph;
- 4) ~~submit--proof-of--employment--for--one-year-as-a-lead-inspector--asbestos-inspector--building-inspector--of--other-type--of--similar inspection--employment--submit--proof--of--certification--by--the American-Board-of-Industrial-Hygiene-as-an-Industrial-Hygienist--or attend a three 3 day Department-approved course, in accordance with subsection (f)(2) of this Section; and~~
- 5) submit to the Department the required fee.

b) Application. Each person desiring licensure as a lead inspector shall make application to the Department on forms provided by the Department. Each application shall be accompanied by a \$100.00 nonrefundable fee, and a certificate verifying satisfactory completion of a Department-approved course within one year prior to application. Employees of the Illinois Department of Public Health, a delegate agency, or a local health department shall be exempt from licensure fees when such employees' licenses are used only for purposes related to employment at the above-mentioned agencies.

c) Reciprocity. Each applicant for licensure who is licensed or certified for lead inspection in another state may request reciprocal licensure. The Department shall evaluate the requirements for licensure in such other state and shall issue the license if the Department determines that the requirements for licensure in such other state are equal to or greater than the requirements for licensure in Illinois. Each applicant for licensure pursuant to this Section shall submit an application accompanied by a nonrefundable fee of \$100.00.

d) All licenses shall be renewed annually. All licenses shall expire on January 31 of each year, except licenses issued after October 31 and before February 1 shall expire on the next following January 31. The licensee shall be charged a nonrefundable fee of \$15.00 for the issuance of a duplicate license.

e) Renewal of License. Any license issued pursuant to these rules may be renewed if the licensee submits the application and a \$100.00 nonrefundable fee as required by subsection (a)(5) above of this Section and has a certificate of completion of a Department-approved one day (8 hour) lead inspector refresher course. The refresher course content shall be the same as that indicated in subsection (f) below. If a renewal application is received after January 1, the applicant shall pay a nonrefundable late fee of \$15.00 in addition to the renewal fee of \$100.00. An applicant whose licensure has been

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

expired for a period less than 2 years may apply to the Department for reinstatement of his license. The Department shall issue such renewed license provided the applicant pays to the Department all lapsed license fees, plus a reinstatement fee of \$15.00. A license which has been expired for more than 2 years may be restored only by successfully passing an approved lead inspection training course and reapplying.

f) Approved Course Content. All lead inspectors shall have taken a qualifying training course which meets the requirements set out in this subsection and have received a certificate of completion. A training course in lead inspection shall:

- 1) Receive approval from the Department; and
- 2) Provide at least ~~8 hours (one day) of instruction for individuals who have a year of experience or are certified industrial hygienists as required in subsection (f)(4) above or a three day course (equivalent to 24 hours of instruction) for individuals without experience as required in this Section, two 2 days of which are dedicated to the topics specified in subsections (f)(2)(B) and (f)(2)(F) below of this Section:~~

- A) health effects of lead exposure;
- B) requirements of regulations and standards established by the Department;
- C) lead sampling techniques;
- D) chemistry related to the lead abatement industry;
- E) construction techniques;
- F) inspection techniques as described in Appendices B and C; and
- G) safety.

g) Licensed lead inspectors may ~~shall~~ use inspection forms and methods specified in Appendices B and C and Illustration A in Appendix C of this Part.

h) Lead Worker and Contractor/Supervisor Licensing. A lead worker or lead contractor/supervisor shall be licensed by the Department prior to engaging in lead abatement or mitigation activities. Such licenses are nontransferable and shall be available at the lead abatement contractor's primary place of business for inspection by the Department or delegate agency.

1) The Department shall issue a Lead Worker License or Lead Contractor Supervisor License. Qualified applicants who comply with the requirements of subsections (a)(1), (3), and (5) of this Section. In addition, applicants shall attend a Department-approved course, in accordance with subsections (n)(2)(A) through (K) of this Section for lead workers and subsections (n)(2) and (3) of this Section for contractors/supervisors and shall pass the examinations administered at the conclusion of the course.

2) Application. Each person desiring licensure as a lead worker or lead contractor/supervisor shall make application to the Department on forms or in a format provided by the Department. Each application

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

shall be accompanied by a nonrefundable fee of \$25.00 for a Lead Worker License or \$50.00 for a Lead Contractor/Supervisor License, and a certificate verifying completion of a Department-approved course within one year prior to application, except as provided in this subsection. Employees of the Department, a delegate agency, or a local health department shall be exempt from licensure fees when such employee's license is used only for purposes related to employment at the above-mentioned agencies. A course taken after 1991 may qualify an applicant for licensure, provided the course is determined by the Department to be substantively equivalent to the requirements for approved course content specified in subsection (n) of this Section. After July 1, 1995, only Department-approved training courses will be accepted for application for licensure.

k) Reciprocity. Each applicant for licensure who is licensed or certified as a lead worker or lead contractor/supervisor in another state may request reciprocal licensure. The Department shall evaluate the requirements for licensure in such other state and shall issue the license if the Department determines that the requirements for licensure in such other state are equal to or greater than the requirements for licensure in Illinois. Each applicant for licensure pursuant to this subsection shall submit an application, on forms or in a format provided by the Department, accompanied by a nonrefundable fee of \$25.00 for a Lead Worker License and \$50.00 for a Lead Supervisor/Contractor License.

1) Renewal of License. All Lead Worker and Lead Contractor/Supervisor Licenses shall be renewed annually. All licenses shall expire on March 31 of each year, except licenses issued after December 31 and before April 1 shall expire on the next following March 31. Any current license issued pursuant to this Section may be renewed if the licensee submits, prior to March 1, a renewal application on forms or in a format provided by the Department; a nonrefundable fee of \$25.00 for a Lead Worker License or \$50.00 for a Lead Contractor/Supervisor License; and a certificate verifying completion, within one year prior to application for renewal, of a Department-approved one day (8 hour) lead worker or lead contractor/supervisor refresher course. The refresher course content shall be the same as that indicated in subsection (n)(2) for a Lead Worker License or subsections (n)(2) and (3) for a Lead Contractor Supervisor License. If a renewal application is received after March 1, the applicant shall pay a nonrefundable late fee of \$15.00, in addition to the license renewal fee. An applicant whose license has been expired for a period of two years or less may apply to the Department for reinstatement of his license. The license shall be reinstated if the applicant submits to the Department a certificate verifying completion of the required type and number of refresher courses for the license category, all lapsed license fees, and a nonrefundable reinstatement fee of \$15.00. A license that has been expired for more than two years is not eligible for renewal. In such instances, the formerly licensed individual

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

desiring to become licensed again shall follow the application procedures specified in subsection (i) of this Section.

- m) Duplicate License. A duplicate license shall be issued to a currently licensed lead worker, contractor/supervisor, or contractor upon submittal of a \$15.00 nonrefundable duplicate license fee.

- n) Approved Course Content. All lead workers or lead contractor/supervisors shall have taken a Department-approved training course which meets the requirements set out in this subsection and shall have received a certificate of completion upon passing the examination administered at the conclusion of the course. A training course for lead workers and lead contractor/supervisors shall:

- 1) Receive approval from the Department; and
- 2) Provide at least a three-day course (equivalent to 24 hours) for the instruction of individuals who desire to be licensed as lead workers and a four-day course (equivalent to 32 hours) for individuals who desire to become licensed as lead contractor/supervisors. The three-day course shall be dedicated to the following topics:

- A) History of Lead;
- B) Health Effects of Lead Exposure;
- C) Medical Surveillance of Lead Poisoned Individuals;
- D) Legal Rights and Responsibilities;
- E) Personal Protective Equipment;
- F) Safety Problems;
- G) Abatement Methods and Work Problems;
- H) Decontamination;
- I) Clean-up and Disposal Procedures;
- J) Lead Monitoring and Tests; and
- K) Hazard Communication.

- 3) In addition to subsections (n)(2)(A) through (K) of this Section, a lead contractor/supervisor shall complete a lead contractor/supervisor supplemental course, which shall consist of an additional eight hours (one day) of training, and shall pass the examination administered at the conclusion of the course. The supplemental training course for lead contractor/supervisors shall be dedicated to the following topics:

- A) Lead Inspection;
- B) Supervisory Techniques;
- C) Occupational Safety and Health Administration (OSHA) Lead Standard 1910.1025 and 29 CFR 1926.62 (1993);
- D) Department of Housing and Urban Development (HUD) Guidelines, Lead-Based Paint: Interim Guidelines for Hazard Identification and Abatement in Public and Indian Housing, Revised Chapters 5, 8, 9, 10 and 11(1994).

- o) The Department shall prepare and maintain a list of licensed lead abatement contractors.

- 1) Requirements of License. An applicant for a lead abatement contractor license shall submit the following to the Department:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- A) an application on a form or in a format provided by the Department;
 - B) a \$500.00 nonrefundable licensure fee;
 - C) a certificate of financial responsibility documenting that the contractor carries liability insurance, self insurance, group insurance, group self insurance, a letter of credit, or a bond in the amount of at least \$250,000 for work performed pursuant to the Lead Poisoning Prevention Act and Lead Poisoning Prevention Code. The contractor shall notify the Department of any changes in the status of the certificate of financial responsibility, including expiration, renewal or alteration of the terms of the certificate. The certificate of financial responsibility shall be an original and shall expressly provide coverage for lead abatement. A photocopy or facsimile copy is not acceptable. The certificate shall be issued by an insurance company that is authorized to transact business in Illinois. A current certificate of insurance shall be on file with the Department at all times;
 - D) a copy of a valid Contractor/Supervisor's License issued to either the contractor or the contractor/supervisor employed by the contractor;
 - E) a written statement signed by the contractor specifying that only lead workers licensed by the Department will be employed for lead abatement;
 - F) a copy of the contractor's written standard operating procedures and employee protection plan, which shall include specific references to medical monitoring and respirator training programs required in OSHA regulations at 29 CFR 1910.1001 and 29 CFR 1926.62 (1993);
 - G) a description of all legal proceedings, lawsuits or claims which have been filed or levied against the contractor or any of his past or present employees or companies in regard to construction related activities.
- 2) Reciprocity. An applicant for a contractor's license who is licensed or certified for lead contracting in another state may request reciprocal licensure. The Department shall evaluate the requirements for licensure in such other state and shall issue the license, if the Department determines that the requirements for licensure in such other state are equal to the requirements for licensure in this State. Each applicant for licensure pursuant to this subsection shall submit a one time application fee of \$250.00 nonrefundable and an additional \$500.00 nonrefundable license fee if qualified for licensure.
- 3) Renewal of License. All contractor licenses shall be renewed annually. All licenses shall expire on May 31 of each year. If a renewal application is received after April 30, the applicant shall pay a nonrefundable late fee of \$100.00, in addition to the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

\$500.00 nonrefundable renewal fee. An applicant whose license has expired for a period of three years or less may apply to the Department for reinstatement of the license. The license shall be reinstated if the applicant submits to the Department all lapsed license fees and a reinstatement fee of \$100.00. A license which has expired for more than three years is not eligible for renewal. In such instances, the formerly licensed individual desiring to be licensed shall follow the application procedures specified in subsection (O)(1) of this Section.

2) Denial of application, and suspension or revocation of license:

- 1) The Director, after notice and opportunity for hearing, may deny the application for, or suspend or revoke the license of, a lead abatement contractor, contractor/supervisor, worker, or inspector in any case in which the Director finds substantial or continued failure to comply with this Part.
- 2) Such notice shall be made by certified mail or by personal service and shall set forth the particular reasons for the proposed action and provide the applicant or licensee with an opportunity to request a hearing. If a written hearing request is not received within 15 days after receipt of the notice by the applicant or licensee, the right to a hearing is waived.

(Source: Amended at 19 Ill. Reg. 238, effective DEC 31 1994)

Section 845.29 Safety Guidelines for Workers Removing or Covering Leaded Soil

- a) Workers shall be licensed in accordance with Section 845.28 and should be provided with a pre-employment physical to determine blood lead level and ability to wear appropriate respiratory protection. Workers should not be permitted to perform lead removal work if they have blood lead levels greater than the permissible limits set forth in Section 845.10.
- b) All workers removing or covering lead soil should receive appropriate safety training designed to reduce their exposure to lead and the risk of job-related injuries.
- c) Workers should be provided with a changing area equipped with a facility for washing or showering. Workers should be required to change into personal protective clothing before entering the work area, and to remove personal protective clothing and shower or wash before leaving the work area, as provided in Section 845.30(d)(2) and (e).

- d) Equipment decontamination procedures shall be employed to prevent the spread of lead contamination. Disposable items are not to be reused and shall be discarded as provided in Section 845.30(p)(2)(C).

NOTE: If workers removing or covering lead soil should meet the requirements of Section 845.30(d) and (e), Personal air monitoring for lead and/or respirable dust exposure shall be done at

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

appropriate intervals.

f) Safety Guidelines During Soil Remediation or Removal

- 1) Prior to beginning soil remediation or removal, the source of the lead contamination of the soil shall be identified if possible and eliminated to prevent re-contamination of the remediated soil.
- 2) Removal or remediation of the soil shall be accompanied by dust suppression methods, and the generation of dust shall be held to a minimum. Monitoring of airborne dust shall be performed by the owner or its agent and, if acceptable levels are exceeded, additional dust suppression steps shall be taken or work stopped until dust is controlled. Airborne lead analysis may be performed in conjunction with dust measurements.
- 3) Soil which is stockpiled prior to disposal shall be:
 - A) placed on a layer of impermeable plastic;
 - B) kept moist to avoid dust generation; and
 - C) covered with impermeable plastic which is secured to the ground.
- 4) Contaminated soil shall be transported to disposal areas in sealed containers or in a covered vehicle. Off-site vehicular or foot tracking of contaminated soil shall be avoided.

(Source: Amended at 19 Ill. Reg. 238, effective DEC 31 1994)

Section 845.30 Mitigation or Abatement of Lead Hazards

- a) The following procedures shall be followed upon determination by the Department or delegate agency that a lead hazard is present in or upon any dwelling or residential building or child care facility. The Department or delegate agency will provide the occupant of the dwelling with a copy of any mitigation notice, amended notice, mitigation plan, amended plan, or follow-up inspection report issued pursuant to this subsection (a).

1) If the inspection report identifies a lead hazard, the Department or delegate agency shall serve a mitigation notice on the property owner that the owner is required to mitigate the lead hazard. The mitigation notice shall indicate the time period in which the owner must complete the mitigation as required by subsection (a)(3) of this Section, and shall include information describing mitigation activities which meet the requirements of this Part and the Act. (Section 9(1) of the Act.)

- 2) If the inspection report prepared in accordance with Section 845.26, identifies a lead hazard, the owner shall mitigate the lead hazard in accordance with the requirements of this Section and within the time limits set forth in subsection (a)(3) of this Section. If the source of the lead hazard identified in the inspection report is lead paint or any other leaded surface

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

coating, the lead hazard shall be deemed to have been mitigated if:

- A) The surface identified as the source of the hazard is no longer in a condition that produces a hazardous level of leaded chips, flakes, dust or any other form of leaded substance that can be ingested or inhaled by humans; or
- B) If the surface identified as the source of the hazard is accessible to children and could reasonably be chewed on by children, the surface coating is either removed or covered, or the access to the leaded surface by children is otherwise prevented as prescribed by the Department. (Section 9(2) of the Act)

- 3) When a mitigation notice is issued for a dwelling unit inspected as a result of an elevated blood lead level in a pregnant woman or a child, or if the dwelling unit is occupied by a child under 6 years of age or a pregnant woman, the owner shall mitigate the hazard within 30 days after receiving the notice; otherwise, the owner shall complete the mitigation within 90 days. (Section 9(5) of the Act)

- 4) An owner may apply to the Department or its delegate agency for an extension of the deadline for mitigation. If the Department or its delegate agency determines that the owner is making substantial progress toward mitigation during the prescribed time period, or that the failure to meet the deadline is the result of a shortage of licensed abatement contractors or workers, or that the failure to meet the deadline is because the owner is awaiting the review and approval of a mitigation plan, the Department or delegate agency may grant an extension of the deadline. (Section 9(6) of the Act)

- 5) The Department or its delegate agency may, after the deadline set for completion of mitigation, conduct a follow-up inspection of any dwelling for which a mitigation notice was issued for the purpose of determining whether the mitigation actions required have been completed and whether the activities have sufficiently mitigated the lead hazard. The Department or its delegate agency may conduct a follow-up inspection upon the request of an owner or resident. If, upon completing the follow-up inspection, the Department or its delegate agency finds that the lead hazard for which the mitigation notice was issued is not mitigated, the Department or its delegate agency shall serve the owner with notice of the deficiency and a mitigation order. The order shall indicate the specific actions the owner must take to comply with the mitigation requirements of this Act, which may include abatement if abatement is the sole means by which the lead hazard can be mitigated. The order shall also include the date by which the mitigation shall be completed. If, upon completing the follow-up inspection, the Department or delegate agency finds that the mitigation requirements of this Act have been satisfied,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

the Department or delegate agency shall provide the owner with a certificate of compliance stating that the required mitigation has been accomplished. (Section 9(7) of the Act)

- a) Upon determination by the Department or delegate agency that there are lead-bearing substances in or upon any dwelling or residential building or child-care facility which may be hazardous to children, or upon receipt of confirmation that an individual has a level of lead in his blood equal to or greater than 39 mcg/dl, the Department or delegate agency (Section 9 of the Act):

- 1) may inform the local health department of the results of the Department's or the delegate agency's determination and provide recommendations for elimination of the problem areas;

- 2) may, in the event that children reside in or frequently inhabit the premises, notify the homeowner, the occupant, or their representatives that lead-bearing substances are present on the surfaces of the dwelling or the residential building and may constitute a hazard to the health of children; and

- 3) may notify the owner of the dwelling or the residential building in writing, or in person, advising of the existence of such substances with instructions that these substances, if accessible to children, shall be removed, replaced, or securely and permanently covered as required by subsections (d) through (f) below:

- 4b) In order to ensure that lead mitigation or abatement activities do not result in lead contamination of areas outside of the abatement worksite or work area, the removal of lead-bearing substances from the dwelling, or residential building, or child care facilities shall be conducted in a manner that will not endanger the health or well-being of occupants and will result in the safe removal from the worksite or work area and the safe disposal of flakes, chips, debris, dust, and other lead-bearing substances. Notwithstanding any provisions to the contrary, performance of mitigation and abatement activities which do not conform to procedures and criteria provided in this section, whether or not those procedures and criteria are expressly made mandatory in this Section, shall create a rebuttable presumption of creation of a health hazard by the person performing such activities. Subsections (k) through (n) and (p) below specify recommended procedures for containment during abatement, cleanup, and disposal of lead-bearing substances. Adherence to these procedures will ensure that the above-mentioned requirement is met.

- bc) Mitigation. Mitigation is an interim method of eliminating the lead hazard risk to a child and may consist of any number of the Department-prescribed lead hazard repair activities specified in subsections (c)(1) through (4) of this Section. Such activities may not be considered final actions if it is determined, through a follow-up inspection conducted pursuant to subsection (a)(5) of this Section, that the lead hazard repair measures taken have not sufficiently mitigated the lead hazard. The following are considered

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

temporary-lead-hazard-repair-measures-and-are-not-to-be-considered-as final-actions-in-complying-with-the-law-or-fitting-requirements-set forth-by-the-Department-or-delegate-agency---temporary-lead-hazard repairs shall be completed within 7-days the time specified after receipt of written notification. When conducting any lead hazard repair that does not create lead dust or fumes as specified in subsections (c)(1) through (4), the requirements of Section 845.28 pertaining to the licensure of lead workers, lead contractor/supervisors, or lead abatement contractors and the requirements of subsections (d)(1)(B) through (E) and (d)(2) of this Section are optional. the-following-methods-are-only-a-means-of temporarily-eliminating-the-lead-hazard-risk-to-the-child-until permanent-removal-of-the-lead-bearing-substances-is-completed-in accordance-with-this-Part--the-owner-or-his-agent-shall-comply-with subsections (c) and (4) below when making temporary-lead-hazard repairs-which-create-lead-dust-or-fumes--No-children-pregnant-women unprotected-nonworkers--or--pets-shall-be-permitted-to-enter-the-work site:

- 1) When-conducting-any-temporary-lead-hazard-repair-that--does--not create-lead-dust--or--fumes--the-requirements--of--subsections (c)(1)(B) through (4) and (4)(2) below-are-optional: All loose paint shall be moistened and carefully scraped from the walls, ceiling, woodwork, and--any--other--peeling defective surfaces. These areas shall then be covered with contact paper, cloth, canvas, or other material which will create an intact surface for the purpose of preventing the paint chips from falling on the floor and preventing a child's access to child-from the lead hazard peeling-the-paint-from-the-wall. All debris paint--chips shall be collected and sealed in plastic bags for proper disposal in accordance with subsection (pg) of this Section below.
- 2) Areas which may be chewed upon by a child shall be covered with heavy paper, cardboard, cloth, canvas, or other material that will prevent access to the lead hazard by a child.
- 3) All plaster and paint chips shall be collected, and any surfaces that have collected paint dust shall be cleaned by damp mopping with a phosphate-containing detergent or trisodium phosphate (TSP) or a phosphate-free lead-dissolving detergent.
- 4) A mitigation plan shall be submitted by the owner or its agent to the Department or delegate agency specifying the method or methods by which surfaces which will be managed-in-place are to be maintained in an intact condition. The plan shall include an inspection schedule, which shall include inspection by the owner or its agent at least annually, and a maintenance schedule. Any surfaces that are not intact, as determined through an inspection, shall be repaired using the mitigation techniques specified in subsections (c)(1), (2), and (3) of this Section. If the temporary-repairs-described-in-subsections (c)(1) through (4) above will-not-result-in-protection-of-a-child-or-are-n

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

practical--the-room-in-which-the-lead-hazard-is-present-shall-be closed-and-locked-so-that-it-will-not-be-accessible-to-children or-the-child-shall-be-removed-to-a-lead-safe-dwelling-during abatement:

d) Abatement. For cases in which a follow-up inspection conducted pursuant to subsection (a)(5) of this Section determines that lead hazard repair measures taken have not sufficiently mitigated the lead hazard, abatement may be deemed necessary. If the Department or delegate agency determines that abatement is the sole means by which a lead hazard can be mitigated, then abatement activities shall be conducted in accordance with this Section. Mitigation activities which involve the destruction or disturbance of any leaded surface shall be conducted by a licensed lead abatement contractor using licensed lead abatement workers (Section 9 of the Act). If the mitigation activities described in subsection (c) of this Section will not result in protection of a child, or are not practical, any child or children shall be removed to a lead-safe dwelling until abatement is completed. Personal-Protection

1) Personnel Protection. When-conducting-lead-abatement-which--does not--create-lead-dust-or-fumes--the-requirements--of--subsections (c)(1)(B) through (4) and (4)(2) below-are-optional: An owner, its agent, or any person who is performing corrective action that is prescribed by the Department or a delegate agency for lead abatement in a dwelling, shall take the following precautions to protect his or her health and the health of occupants of the dwelling during any lead abatement that may produce lead dust or fumes. Monitoring of airborne dust shall be performed when work is in progress and respiratory protection shall be provided in accordance with this Section. The owner or its agent shall assure, through the monitoring of airborne dust in the work site and in areas that are outside but adjacent to the work site, that no person conducting lead abatement work directed by the Department or owner is exposed to lead at concentrations greater than the permissible exposure limit average (50 mcg/m(3)) over an eight-hour period.

- A) No children, pregnant women, unprotected workers, nonworkers, or pets shall be permitted to enter the work site.
- B) Respiratory protection shall be worn by all individuals in the work site or work area who may be exposed to lead dust or fumes at all times during lead abatement activities. Respiratory protection in accordance with OSHA 1910.134 shall be worn for lead in construction - 29 CFR 1226.62, shall be worn until all areas have been thoroughly cleaned as described in subsection (m) of this Section. The following are the minimum respiratory protection requirements:
 - 1) Air lead levels of 500ug.m(3) or less: Half-mask air purifying (protective) LOX respirator with high

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

physician should be contacted for testing to determine if the person may wear such respirators.

- D) The manufacturers' instructions shall be followed for maintenance, proper fit, use of appropriate cartridges, cleaning, repair, replacement of defective parts, appropriate storage, and the frequency of cartridge replacement for the specific respirator in use.

(NOTE: Respirators are not effective if facial hair (a beard, etc.) is present because a good seal cannot form between the respirator and skin.)

- E) Respirators shall not be removed while in the work site or work area.

- F) Additional respiratory protection by supplemental filters, such as organic vapor cartridges, may be needed when handling some coating or stripping products. Consult the Material Safety Data Sheets (MSDS) or the manufacturer and obtain the proper filters as necessary.

- 2) Individuals at the work site shall wear full body suits with hoods and shoe covers. A Tyvek or similar type of disposable suit may be worn. Disposable suits shall be used once, then properly discarded. Protective clothing, as described above, and other personal protective equipment (PPE) shall be put on prior to entering the work site or work area. Protective clothing shall be worn in the work site or work area until it the area has been thoroughly cleaned as described in clean-up activities in subsection (a) below. Protective clothing shall be changed before leaving the work site or work area and nondisposable suits shall be laundered separately. An area other than the work site or work area shall be provided for persons to put on suits and other PPE and to store their street clothes.

- 3) Goggles with side shields shall be worn when working with a material that may splash or fragment, or if protective eye wear is specified on the Material Safety Data Sheet (MSDS) for that product.

d) Notice to Occupants. The owner or its agent shall give notice to the occupants of a dwelling to be abated for lead, at least 7 days but not more than 30 days, before a contractor or the owner may commence a lead abatement project. Before beginning a lead abatement project, the owner of the building in which lead abatement is to take place shall remove all furniture and packed personal items from the work site and store them in a secure place. The owner of the building in which the lead abatement project is to take place shall notify all residents of:

- 1) the site or area which is to be abated;
- 2) the date on which abatement is to commence; and
- 3) the occupants' obligations under this Section to place all personal items in a box or other closed, easily handled container. Every occupant of a dwelling to be abated, who has received a notice of lead abatement, shall be responsible for

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

efficiency filters; or half-mask supplied air respirator operated in demand (negative-pressure) mode.

- ii) Air lead levels between 500ug/m(3) and 1,250ug/m(3): Loose fitting hood or helmet (protection 25X) powered air purifying respirator with high efficiency filters; or hood or helmet supplied air respirator operated in continuous-flow mode (e.g., type CE abrasive blasting respirators operated in a continuous flow mode).

- iii) Air lead levels between 1250ug/m(3) and 2500ug/m(3): Full facepiece air purifying (protection 50X) respirator with high efficiency filters; tight fitting powered air purifying respirator with high efficiency filters; full facepiece supplied air respirator operated in demand mode; half-mask or full facepiece supplied air respirator operated in a continuous-flow mode; or full facepiece self-contained breathing apparatus (SCBA) operated in demand mode.

- iv) Air lead levels between 2500ug/m(3) and 50,000ug/m(3): Half-mask supplied air (protection 1,000X) respirator operated in pressure-demand or other positive pressure mode.

- v) Air lead levels between 50,000ug/m(3) and 100,000ug/m(3): Full facepiece supplied air (protection 2,000X) respirator operated in pressure demand or other positive pressure mode (e.g., type CE abrasive blasting respirators operated in a positive pressure mode).

- vi) Greater than 10,000ug/m(3): Full facepiece SCBA operated unknown concentration, in pressure-demand or other of fire fighting positive pressure mode (protection over 2000X).

- ii) a---negative---pressure---half-mask---air---purifying respirator---equipped---with---high-efficiency---particulate air---(HEPA)---filters---for---airborne---lead---dust---levels---not in-excess-of-0.5-mcg/m(3)-ten-times---the---permissible exposure-level---10-X-PBE;+

- iii) a-full-face-piece---air-purifying-respirator---with-HEPA filters---for-airborne-dust-levels-not-in-excess-of-2-5 mcg/m(3)-50-X-PBE;+or

- iv) a-pressure-demand---full-face---supplied-air---respirator---for-airborne-dust-concentrations-equal-to-or-in-excess of-50-mcg/m(3)-1000-X-PBE;+

- C) Only approved Mine Safety and Health Administration (MSHA) or National Institute of Occupational Safety and Health (NIOSH) respirators shall be used. Respirators shall be properly fitted for all persons working at the site. If any person has a medical history of respiratory problems, a

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

placing all personal items in boxes or other closed, easily handled containers.

ef) Residential Buildings. At all times when a lead abatement project is being conducted in a common area of a residential building:

- 1) occupants and pets shall use alternative entrances and exits which do not require passage through the work site or work area, if such entrances and exits exist;
- 2) the owner or its agent shall use all reasonable efforts to create an uncontaminated passage for entrance and egress of all building occupants; and
- 3) if the entrance to and egress from a building can only be through the work site or work area, abatement in the work site or work area shall be conducted between the hours of 9 a.m. to 3 p.m. only, and the work site or work area shall be cleaned with a HEPA vacuum at the end of each working day until all surfaces are free of visible dust and debris.

fg) Abatement of lead-bearing substances shall not employ the following methods:

- 1) open flame burning;
- 2) dry-sanding-~~except-as-allowed-in-subsection-(g)(2)(f)-(g)(2)(f)(B)~~;
- 3) open abrasive blasting-~~except-as-allowed-in-subsection-(g)(2)(f)(B)~~ below;

4) uncontained hydro-blasting;

- 5) methylene chloride for interior use (except that methylene chloride may be used in work sites for localized touch-up); or
- 6) dry-scraping.

hg) Abatement of lead-bearing substances shall employ only the following methods:

- 1) Replacement. Any component part of a building may be abated by replacement with a part free of lead-bearing substances.

2) Removal. Unless replaced, encapsulated, or reversed, woodwork ~~and-floors~~ may **only** be abated by using the following techniques:

- A) offsite chemical stripping;
- B) heat gun (The temperature of the heat gun shall not exceed 700 F.);
- C) nonflammable chemical strippers which do not contain methylene chloride, except that chemical strippers containing methylene chloride may be used for localized touch-up;
- D) sander equipped with HEPA vacuum;
- E) vacuum-blasting in exterior work areas only;
- F) contained hydro-blasting in exterior work areas only; or
- G) mechanical paint removal systems equipped with a HEPA vacuum.

3) Unless replaced or encapsulated, walls or ceilings may **only** be abated by using the following techniques:

- A) wet-scraping of loose material, if scraping is followed by encapsulation;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- B) vacuum-blasting in exterior work areas only; or
 - C) contained hydro-blasting in exterior work areas only.
- 4) Enclosure ~~or-Encapsulation~~. A wall or ceiling surface may be abated by covering the lead-bearing surface with any of the following materials, provided use of any material complies with local building ordinances or codes. (All seams and openings shall be caulked and sealed where applicable.):

- A) gypsum board;
- B) fiberglass mats;
- C) canvas-backed vinyl wall coverings;
- D) high pressure, laminated plastic sheet, such as Formica (R);
- E) tile;
- F) paneling;
- G) other durable material that does not readily tear or peel; or
- H) Department-approved solvent-free coatings (not household paint) applied in accordance with the manufacturer's directions. The Department shall provide a list of approved coatings upon request.

5) A floor surface may be abated by enclosure using the following materials:

- A) tile;
- B) vinyl flooring;
- C) wood; or
- D) stone.

6) A woodwork surface may be abated by enclosure or encapsulation only with the following materials:

- A) plastic;
- B) metal;
- C) wood; or
- D) Department-approved solvent-free coatings (not household paint) applied in accordance with the manufacturer's directions. The Department shall provide a list of approved coatings upon request.

7) Reversal. A woodwork surface may be abated by reversing component parts, provided that no lead-bearing surface remains exposed at the completion of the process and all seams are caulked and sealed.

8) Windows, when abated, shall be completely treated, including inside, outside, and sides of sashes and mullions. Window frames shall be abated to the outside edge of the frame, including slides, sash guides, and window wells and sills.

ih) Alternative Procedures

- 1) The Department or delegate agency may allow an alternative procedure for abatement, containment or cleanup of a lead paint hazard, provided that the owner submits to the Department or delegate agency a written description of the alternative procedure that demonstrates to the satisfaction of the Department

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

that the proposed alternative procedure provides a level of abatement and safety equivalent to the requirements of this Section. The delegate agency shall send a copy of the request and the delegate agency's response to the Department for its records.

- 2) In all cases in which the Department or delegate agency allows the use of an alternative procedure under subsection (j)(1) above, the owner and occupant shall, for a one-year period after completion of the lead abatement project, permit the Department or delegate agency to enter and inspect the area of abatement for the purpose of determining the effectiveness and durability of the allowed alternative procedure.

j) Caution Signs. At each work site or work area in dwellings occupied by two or more families, the owner or its agent performing an abatement shall display a caution sign in the following manner wherever the abatement process is reasonably expected to break or disturb any lead-bearing substances.

- 1) At least 3 days before removing, enclosing, or encapsulating lead paint, the owner shall post caution signs immediately outside all entrances and exits to the work site. In emergency situations posting shall be done as soon as possible.
- 2) The owner shall keep the caution signs posted until the lead abatement is completed.
- 3) The owner shall ensure that caution signs meet the following specifications:

- A) the sign shall be at least 20" by 14", and state the date and place of the lead abatement project;
- B) except as provided in subsection (j)(3)(C) below, the sign shall include the phrase "Caution, Lead Hazard, Keep Out" or "Warning, Lead Work Area, Keep Out" in bold lettering, at least two inches high; and
- C) in dwellings occupied by two or more households where common areas are to be abated, the sign shall include the phrase "Caution, Lead Hazard, Do Not Remain in Work Area Unless Authorized" in bold lettering at least two inches high.

k) Residential Buildings

- 1) In residential buildings where common areas are to be abated, the owner or its agent shall post a notice on the door of each apartment in the building at least three days before a lead abatement project commences.

- 2) The notice required in subsection (k)(1) above shall contain:

- A) the date of commencement of abatement and identification of the area to be abated; and
- B) a caution statement alerting residents not to enter the work site or work area.

l) Personal Hygiene Practices

- 1) Eating, drinking, smoking, and applying of cosmetics are not allowed in the work site or work area. Any person leaving the

work site or work area should shall rinse his or her mouth with potable water and wash hands and face thoroughly before eating, drinking or smoking.

- 2) All individuals should shall wash or shower before leaving the work site or work area for the day.

- 3) A lavatory facility or potable water supply or a portable decontamination unit should shall be provided and located at the work site or work area for the washing of hands and face and for clean up activities.

m) Negative air pressure should shall be maintained in work sites undergoing lead abatement in multiple dwelling units occupied by two or more households having a common area and in residential buildings having a common area, in which any unit of the building is undergoing lead abatement. The maintenance of negative air pressure will ensure that contaminated air does not filter from the work site to uncontaminated areas. (See Appendix D of this Part)

- 1) The negative pressure system shall use HEPA filters and shall operate continuously, 24 hours a day, at the start of the lead abatement work through clean-up as described in Section 845.30(gm).

- 2) The owner or its agent shall assure, through the monitoring of airborne dust, that no person conducting lead abatement work directed by the Department is exposed to lead at concentrations greater than 50 mcg/m(3) average over an eight-hour period.

n) Containment

- 1) Interior Containment. Before beginning to abate a lead-containing substance which will cause lead dust or fumes in excess of the requirements in subsection (c) above in the work site, the owner or its agent performing an abatement should shall:

- A) ensure that all movable objects have been removed from the work site;
- B) turn off all forced air ventilation in the work site and seal exhaust and intake points in the work site;
- C) if the work site is a room or group of rooms within a building, seal the work site from all other portions of the building with plastic sheeting at least 6 mils thick, secured by duct tape or spray adhesives;
- D) seal the opening seams of all kitchen cabinets and refrigerators individually with tape;
- E) cover all objects that cannot be moved, such as radiators, refrigerators, stoves, kitchen cabinets, built-in furniture, and bookcases, with plastic sheeting at least 6 mils thick and taped securely in place;
- F) cover floors in the work site with plastic sheeting at least 6 mils thick sealed with tape; and
- G) remove all carpeting from the work site prior to abatement. Carpeting should shall be professionally cleaned or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

replaced. Carpeting should ~~shall~~ be misted with water prior to removal to prevent lead dust exposure.

- 2) Exterior Containment. Before beginning to abate a lead-containing substance in an exterior work site, the owner or its agent performing the abatement should ~~shall~~ use the following procedures:

- A) When liquid waste is produced by any abatement technique used, plastic sheeting at least 6 mils thick shall be placed on the ground, as close as possible to the building foundation, or on the floor when applicable. Sheeting placed on the ground or floor shall be raised at its edge and extended a sufficient distance to contain the liquid waste.
 - B) When nonliquid waste is produced by any abatement technique used, plastic sheeting at least 6 mils thick shall be placed on the ground, as close as possible to the building foundation, or on the floor when applicable. Sheeting placed on the ground or floor shall extend out from the foundation 3 feet per story being abated, with a minimum of 5 feet and a maximum of 20 feet.
 - C) Sheeting placed on an exterior floor shall cover the entire floor.
 - D) Sheeting shall be secured at the foundations and along all edges and seams.
 - E) If the wind speed causes visible dust during an exterior abatement project producing dry waste, abatement should ~~shall~~ not be continued or performed unless vertical shrouds are erected.
 - F) When vacuum blasting or contained hydro-blasting, interior windows should ~~shall~~ be sealed with plastic sheeting 6 mils thick and secured with water proof tape.
- 3) For all sealing and covering of interior and exterior abatement work the owner or its agent should ~~shall~~ use the following:
- A) plastic sheeting, at least 6 mils thick or equivalent;
 - B) duct tape or equivalent waterproof tape;
 - C) spray adhesives; or
 - D) other additional appropriate work practices to contain particulate lead or lead-containing liquids.
- 4) Alternative Procedures
- A) The Department or delegate agency may allow an alternative procedure for abatement, containment or cleanup of a lead paint hazard, provided that the owner submits to the Department or delegate agency a written description of the alternative procedures that demonstrates to the satisfaction of the Department that the proposed alternative procedure provides a level of abatement and safety equivalent to the requirements of this Section. The delegate agency shall send a copy of the request and the delegate agency's

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

response to the Department for its records.

B) In all cases in which the Department or delegate agency allows the use of an alternative procedure under subsection (IM)(4)(A) above, the owner and occupant shall, for a one-year period after completion of the lead abatement project, permit the Department or delegate agency to enter and inspect the area of abatement for the purpose of determining the effectiveness and durability of the allowed alternative procedure.

ON) Cleanup of Interior Work Site. Refer to Appendix D of this Part if a negative pressure system is used. After completion of the removal, replacement, enclosure, encapsulation, or reversal involved in an abatement project, the owner or its agent should ~~shall~~:

- 1) deposit all lead waste, including sealing tape and plastic sheeting, ~~mop heads, sponges, filters, and disposable clothing~~ in double plastic bags at least 4 mils thick or single bags 6 mils thick or equivalent, and seal the bags;
 - 2) before washing, vacuum-clean all surfaces in the work site including woodwork, walls, windows, window wells, and floors with a HEPA vacuum;
 - 3) after vacuum-cleaning, wet wash all surfaces in the work site including woodwork, walls, windows, window wells, ceilings and floors with a solution containing trisodium phosphate mixed according to the manufacturer's directions, or a phosphate-free lead dissolving detergent; and
 - 4) if visible residue remains after washing and allowing all surfaces to dry, vacuum all surfaces with HEPA vacuum, as described in subsection (ON)(2) above; and
 - 5) deposit all lead waste from clean-up, including mop heads, sponges, filters, and disposable clothing, in double plastic bags at least 4 mils thick or single bags 6 mils thick, and seal the bags.
- PO) Cleanup of Exterior Work Area. After completion of the replacement, removal, encapsulation, enclosure, or reversal involved in an exterior abatement or mitigation project, the owner or its agent should ~~shall~~:
- 1) recover all visible debris from exterior areas;
 - 2) HEPA vacuum all porches that have been abated; and
 - 3) wet wash all surfaces in the work site, including woodwork, windows, window wells, and floors, with a solution containing trisodium phosphate mixed according to the manufacturer's directions, or a phosphate-free lead dissolving detergent.
- GP) Waste Disposal
- 1) The owner or its agent of any dwelling who has conducted lead abatement that was prescribed by the Department or delegate agency shall contact the Illinois Environmental Protection Agency and local authorities to determine lead-based paint debris disposal requirements.
 - 2) In addition, the owner or its agent should ~~shall~~:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- A) remove lead waste from the site of an abatement project not later than 48 hours after completing the final cleanup;
- B) place lead-based paint chips, debris, and lead dust in double 4-mil or single 6-mil polyethylene bags, or equivalent, that are air-tight and puncture-resistant. Pieces of wood or other large items that do not fit into plastic bags shall be wrapped with double 4-mil or single 6-mil plastic sheeting and sealed;
- C) place all disposable cleaning materials, such as sponges, mop heads, filters, disposable clothing, and brooms in double 4-mil or single 6-mil plastic bags, or equivalent, and seal;
- D) remove plastic sheeting and tape from covered surfaces. Prior to removing the plastic sheeting, the sheeting shall be lightly misted in order to keep dust down and folded inward to form tight small bundles to bag for disposal. All plastic sheeting shall be placed in double 4-mil or single 6-mil thick plastic bags, or equivalent, and shall be sealed;
- E) bag and seal vacuum cleaner bags and filters in double 4-mil or single 6-mil thick plastic bags or equivalent;
- F) place all contaminated clothing or clothing covers used during abatement and cleanup in plastic bags for disposal prior to leaving equipment room, work site or work area;
- G) place solvent residues and residues from strippers in drums made from materials that cannot be dissolved or corroded by chemicals contained in those solvents and strippers. Solvents shall be tested to determine if they are hazardous. Solvents and caustic and acid waste shall not be stored in the same containers;
- H) contain and properly dispose of all liquid waste, including lead dust contaminated wash water;
- I) HPPA vacuum the exterior of all waste containers prior to removing the waste containers from the work site or area and wet wipe the containers to ensure that there is no residual contamination. Containers that have been cleaned shall be moved out of the work site or area into a designated storage area;
- J) carefully place the containers into the truck or dumpster used for disposal; and
- K) ensure that all waste is transported in covered vehicles to a landfill approved by the Illinois Environmental Protection Agency.
- L) Repainting, Coating and Sealing. After cleaning, the owner or its agent shall repaint all abated surfaces with a paint that is not a lead-bearing substance or coat all surfaces from which lead paint has been removed with a Department-approved, solvent-free coating, except for those enclosed surfaces that have smooth, easily cleanable

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- surfaces.
- 1) After painting or coating, the owner or its agent shall repeat the cleaning process in all interior work areas, except those painted with latex paint or coated with liquid encapsulant.
- 2) After completion of the cleaning, the owner or its agent shall seal all floors that have been abated in the work site with:
- polyurethane;
 - gloss deck enamel;
 - a tight fitting vinyl floor covering; or
 - an equivalent impermeable material, if a smooth cleanable surface is not already present.
- 3) Alternative Procedures
- The Department or delegate agency may allow an alternative procedure for abatement, containment or cleanup of a lead paint hazard, provided that the owner submits to the Department or delegate agency a written description of the alternative procedure that demonstrates to the satisfaction of the Department that the proposed alternative procedure provides a level of abatement and safety equivalent to the requirements of this Section. The delegate agency shall send a copy of the request and the delegate agency's response to the Department for its records.
 - In all cases in which the Department or delegate agency allows the use of an alternative procedure under subsection (q)(3)(A) above, the owner and occupant shall, for a one-year period after completion of the lead abatement project, permit the Department or delegate agency to enter and inspect the area of abatement for the purpose of determining the effectiveness and durability of the allowed alternative procedure.
- 5) Procedures for Determining Compliance
- The Department or delegate agency may inspect a work site or work area at any time during a lead abatement project to determine compliance with this Section.
 - The inspector shall notify the owner of the results of the inspection, and shall include the locations and characteristics of surfaces with inadequate treatment.
 - A lead abatement project shall be deemed to be in compliance with these regulations if:
 - Lead dust levels on horizontal interior surfaces are:
 - below 200 micrograms per square foot;
 - All abated surfaces and all floors have been treated to provide smooth and easily cleanable surfaces; or
 - Chemical spot tests that are performed in accordance with Department-approved protocols result in lead levels that do not exceed the permissible limits of lead specified in Section 845.50.
- 2) Noncompliance. If the results of a lead dust analysis conducted

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

do not meet the requirements of subsections (5)(1)(B)(i), (ii) and (iii) above, the owner or its agent shall perform a further cleanup as described in subsection (5)(i). If results of the lead dust analysis meet the requirements of subsections (5)(1)(B)(i), (ii) and (iii) above, the Department or delegate agency shall state that the lead abatement project has been completed and complies with the Department's requirements. A statement of completion and compliance may not preclude the Department or delegate agency from taking any future enforcement action against the owner of the dwelling.

(5) Records. The Department or delegate agency shall ~~make and~~ retain for 6 years the following information for every lead abatement project prescribed by the Department or delegate agency:

- 1) name and address of the contractor who performed the project and the owner;
- 2) the location of the project;
- 3) a summary of abatement techniques used to comply with Department or delegate agency prescribed corrective action;
- 4) the location of the disposal site of the discarded lead-based substances which were removed by a contractor from the work site; and
- 5) the starting and completion dates of the lead abatement project.

(Source: Amended at 19 Ill. Reg. 238, effective DEC 31 1994)

Section 845.31 Lead Abatement Contractor Responsibilities

Licensed abatement contractors shall:

- a) Be fully knowledgeable of general renovation techniques, including lead-based paint (LBP) abatement;
- b) Train (or arrange for training of) workers and supervisors on engineering controls and good work practices relating to abatement and impressing upon them the importance of adherence to these controls and practices;
- c) Assure the safety of workers and preparing the worker protection plan; and
- d) Assure that all work is conducted in accordance with the Act and this Part.

(Source: Added at 19 Ill. Reg. 238, effective DEC 31 1994)

Section 845.32 Lead Contractor/Supervisor Responsibilities

In addition to Section 845.31 of this Part, the Lead Contractor Supervisor is responsible for properly implementing abatement and mitigation methods and for enforcing work practices that ensure safety, especially practices that control

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

dust produced during abatement or mitigation of lead bearing surfaces or coatings, and shall:

- a) Assure that all workers are licensed in accordance with Section 845.28 of this Part;
- b) Be on-site whenever project activities are taking place; and
- c) Assure that all work is conducted in accordance with the Act and this Part.

(Source: Added at 19 Ill. Reg. 238, effective DEC 31 1994)

Section 845.33 Dwellings Not Requiring Abatement or Mitigation

Notwithstanding any other provision of this Part, abatement and mitigation are not required in the following circumstances:

- a) When the lowest written estimate of the cost of abatement or mitigation by a contractor licensed under this Part exceeds 100% of the most recent real property assessment by local taxing authorities; and
- b) When the property owner enters into a stipulation with the Department which, in the sole opinion of the Department, will protect children from exposure to lead bearing substances. The stipulation shall be by written agreement, and shall provide that any violation thereof shall cause the immediate issuance of a mitigation or abatement order. Examples of conditions that may be included in a stipulation entered into by the property owners and the Department are as follows:
 - 1) the property shall be demolished; or
 - 2) the property shall be vacated.

(Source: Added at 19 Ill. Reg. 238, effective DEC 31 1994)

Section 845.50 Permissible Limits of Lead in and about Dwellings, Residential Buildings or Child Care Facilities

- a) The permissible limit of lead in any lead bearing substance applied to an exterior surface of a dwelling, residential building or child care facility which is accessible to children shall be five-tenths of one percent (0.5%) lead by weight (calculated as lead metal) in the total non-volatile content of liquid paint, or lead bearing substance containing greater than one milligram per square centimeter in the dried film of paint.
- b) The permissible limit of lead in soil which is readily accessible to children shall be 1,000 micrograms of lead per gram of soil (mcg/g).
- c) The permissible limit of lead in house dust shall be the same as that in Section 845.30(5)(1)(B)(i), (ii) or (iii).
- d) The storage of any lead-containing or lead-contaminated article including automotive or marine batteries, battery casings or battery

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

casing liners; scrap lead or lead solder; internal combustion engine parts; print or print faces; pottery glaze or pottery glaze containers; bullets or spent cartridges; or any other article containing or contaminated by lead in an area accessible to children shall be prohibited.

(Source: Amended at 19 Ill. Reg. 238, effective
DEC 31 1994)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 845.APPENDIX E Soil Sampling

If the soil is suspected as a source of lead involved in a child lead poisoning, samples shall be submitted to a certified testing laboratory for analysis for lead ~~or be tested with a spectrum analyzer~~ to determine the lead content. Soil which is to be removed shall be submitted to a certified testing laboratory for Toxic Characteristic Leaching Procedure (TCLP) analysis. Following the TCLP analysis, appropriate permits shall be secured from the Illinois Environmental Protection Agency (IEPA). The owner or its agent shall be responsible for determining waste generator status by contacting the IEPA.

Many different configurations of the dwelling exterior are likely to be encountered in the field, so that only general guidance can be given on the number and location of soil samples to be taken. Initial sampling shall consist of a single soil core approximately one inch in diameter and not to exceed one inch in depth. One sample is to be taken for every 10 lineal feet of the dwelling unit, evenly spaced around the dwelling unit, approximately 2 feet away from the dwelling. Samples shall also be taken in areas around the dwelling unit where children play if those areas were not included in the initial sampling. Analytical results of these samples will be used to establish the bounds of the clean-up area, or the Department will establish a level which has been determined by the Department or delegate agency to be considered no cause for action. No cause for action is based upon the analysis of investigative information gathered by the inspector at the site, and determined by the Department or delegate agency that the soil lead level does not contribute significantly to the child's lead body burden.

First, prepare a site description. Make a detailed drawing showing the boundary of the lot; the position of the main building and any other structures such as garages and storage sheds; the position of the sidewalks, driveways, and other paved areas; the position of the play areas (if clear); and the position of areas with exposed soil, roof rain spouts, and general drainage patterns.

In addition to the diagram, describe the location of the property and include the following information:

- . Type of building construction;
- . Condition of main building;
- . Condition of the property and nature of adjacent property;
- . Fencing and animals on the property;
- . Apparent use of the property (e.g., used as play area).

Soil samples should be taken with a tool, such as a spatula, which can easily

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

be decontaminated with a wipe after each use. Use a new wipe prior to taking a new sample.

Soil samples may be combined to form one sample for each side of the dwelling, building or structure. If the building is 50 feet long, 5 soil samples shall be taken. They may then be combined to form one sample for analysis. Soil samples shall only be combined with samples from the same side of the dwelling, building or structure. Specific areas around the dwelling, building or structure which appear to be play areas which are bare soil shall be sampled, labeled, and kept separate from other samples.

Samples should be placed in a whirli-pak plastic bag or other type of plastic bag which can be sealed. The bag should be labeled as to where the soil sample was obtained (For example; the east side of the house) and sealed. Record each sample location on the diagram. Submit samples for analysis or provide a Spectrum Analyzer reading for the specific area tested. Record results from the analysis.

Alternate or temporary remedial actions include the following:

- 1) Areas may be covered with plastic or decorative rock, gravel, wood chips or similar landscaping material to a depth of three inches. Bare soil should be revegetated if possible.
- 2) Soil may be tilled under or mixed to a depth of six inches, followed by a placement of three inches of clean topsoil, and reseeded or resodding. Soil additives (i.e., lime) should be considered to reduce lead bioavailability. The tilling process shall not cause excessive dust.
- 3) Clean topsoil, having a lead level at or below soil lead levels cited in Section 845.50 (b), shall be used as a fill material and the soil reseeded or resodded. Ground cover shall be used until the new grass is established.

(Source: Amended at 19 Ill. Reg. _____, effective
DEC 31 1994)

238

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Use of X-rays in the Healing Arts including Medical, Dental, Podiatry, and Veterinary Medicine

2) Code Citation: 32 Ill. Adm. Code 360

3) Section Number: _____
360.120 Emergency Action:
Amendment

4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

5) Effective Date of Amendments: December 30, 1994

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will remain effective for the full 150 days.

7) Date Filed in Agency's Principal Office: December 30, 1994

8) Reason for Emergency: This emergency rulemaking is necessary to amend the current rule which unduly restricts the use of certain accelerator systems that the Department has determined are safe and reliable. Under the current rule, facilities with accelerators with only one beam monitor are required to transport cancer patients to other distant radiation therapy centers causing delays and potential threats to public health and safety. The Department has determined that this is an unnecessary burden to place on the regulated community.

9) A Complete Description of the Subjects and Issues Involved: The Department is adopting this emergency amendment to allow the use of accelerator systems that only have one beam monitor instead of two as required by Section 360.120(b)(5)(C). These machines have been determined by the Department to be safe and reliable. The rule inadvertently restricted the use of these machines and this emergency amendment will allow the use of these machines in the treatment of cancer patients.

The Department's action should not be understood as a desire to limit or preclude public comment. Elsewhere in today's Illinois Register, the Department has proposed, for public comment, a general rulemaking that covers the topics included in the Emergency Rule.

10) Are there any other proposed amendments to this Part pending? Yes. Elsewhere in today's Illinois Register, the Department has proposed, for public comment, a general rulemaking that covers the topics included in the Emergency Rule.

11) Statement of Statewide Policy Objectives: The requirements imposed by the emergency rulemaking are not expected to require local governments to

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENTS

establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

12) Information and questions regarding this emergency rule shall be directed to:

Valerie Puccini
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62734
(217) 785-9881 (voice)
(217) 782-6133 (TDD)

The full text of the emergency amendment begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENTS

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 360

USE OF X-RAYS IN THE HEALING ARTS INCLUDING MEDICAL, DENTAL,
PODIATRY, AND VETERINARY MEDICINE

Section	Scope
360.10	Definitions
360.20	General Requirements and Administrative Controls
360.30	General Equipment and Operation Requirements for Diagnostic X-Ray Systems
360.40	Additional Requirements for Use of Diagnostic X-Ray Systems in the Healing Arts of Medicine, Podiatry and Chiropractic
360.41	Fluoroscopic Systems
360.50	Radiographic Systems Other Than Fluoroscopic, Dental, Veterinary or Computed Tomography Systems
360.60	Mobile/Portable Radiographic Systems Other Than Systems Used Solely for Mammography (Repealed)
360.70	Additional Requirements for Facilities Performing Mammography
360.71	Computed Tomography (CT) Systems
360.75	Photofluorographic Systems (Repealed)
360.80	Dental Radiographic Systems
360.90	Veterinary Radiographic Systems
360.100	Therapy Systems Operating Below 1 MeV
360.110	Therapy Systems Operating at 1 MeV or Greater
360.120	Medical Radiographic Entrance Exposure Measurement Protocol
EMERGENCY	Mammography Dose Measurement Protocol
APPENDIX A	Mammography Phantom Image Evaluation
APPENDIX B	Computed Tomography Dose Measurement Protocol
APPENDIX C	Minimum Quality Control Program for Medical Accelerators
APPENDIX D	Thimble and Pancake Chamber-Radiation Measuring Devices
APPENDIX E	Mammography Dose Evaluation Graph (Repealed)
ILLUSTRATION A	Mammography Dose Evaluation Table
ILLUSTRATION B	Half-Value Layer as a Function of Tube Potential
TABLE A	Entrance Exposure Limits Per Intraoral Bitewing Film (Repealed)
TABLE B	
TABLE C	

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Filed April 20, 1974 by the Department of Public Health; old rules repealed, new rules adopted at 4 Ill. Reg. 25, p. 157, effective July 1, 1980; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 16406; amended at 10 Ill. Reg. 13271, effective July 28, 1986; amended at 13 Ill. Reg. 803, effective April 1, 1989; amended at 15 Ill. Reg. 6-80, effective April 16, 1991; amended at 17 Ill. Reg.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENTS

17972, effective October 15, 1993; amended at 18 Ill. Reg. 11524, effective July 11, 1994; emergency amendment adopted at 19 Ill. Reg. 278, effective December 30, 1994, for a maximum of 150 days.

Section 360.120 Therapy Systems Operating at 1 MeV or Greater

In addition to the provisions of Sections 360.10 through 360.30, the requirements of this Section apply to particle accelerator systems operating at energies of 1 MeV or greater. Accelerator systems capable of producing radioactive materials in excess of the exempt quantities specified in 32 Ill. Adm. Code 330. Appendix B shall also be licensed pursuant to the provision of 32 Ill. Adm. Code 330.

a) Facility Design

1) The registrant shall consult a therapeutic radiological physicist in the design of a particle accelerator installation.

2) Shielding Requirements

A) Each accelerator installation shall be provided with such primary and secondary barriers as are necessary to assure compliance with 32 Ill. Adm. Code 340.

B) Facility design information for all accelerators installed after October 15, 1993 shall be submitted to the Department for review prior to installation. Information submitted to the Department shall include, but need not be limited to, the following:

- i) Name and address of the planned installation;
 - ii) Name, address and telephone number of the therapeutic radiological physicist who was consulted in the design of the installation;
 - iii) A scale drawing that includes the location of the accelerator, control panel and doors to the room;
 - iv) The structural composition and thickness of all walls, doors, partitions, floor and ceiling of the installation;
 - v) The occupancy of areas adjacent to the installation;
 - vi) Calculations that demonstrate the adequacy of the amount of shielding specified for each primary and secondary protective barrier; and
 - vii) Projected weekly dose rates in areas adjacent to the installation.
- 3) Interlock. An interlock shall be installed on each door of the therapy room. The interlock shall be wired into the electrical circuit in such a manner that when the door is opened for any reason, the generation of radiation beams will automatically be terminated and irradiation can be resumed only by manually resetting the controls on the control panel after the door is closed.
- 4) Warning lights that indicate when the beam is on shall be provided in a readily observable position near the outside of all

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENTS

access doors to the therapy room.

5) Viewing System. Windows, mirrors, closed-circuit television or an equivalent system shall be provided to permit continuous visual observation of the patient during irradiation and shall be located so that the operator can observe the patient from the control panel.

AGENCY NOTE: When the primary viewing system is electronic, a back-up system should be available for use in the event of failure of the primary system in order to ensure compliance with the requirements of subsection (q)(1)(H) below.

6) The facility design shall permit two-way aural communications between the patient and the operator at the control panel.

7) Signs required by 32 Ill. Adm. Code 340.920 shall be posted in the facility.

8) The control panel shall be outside the therapy room.

9) The facility design shall include emergency off buttons, at locations that allow shutting off the machine from inside the therapy room and at the control panel.

10) The doors to the therapy room shall be designed to allow opening from the inside at all times and shall be capable of being opened manually.

b) Equipment Requirements

1) Leakage radiation to the patient area shall be measured for each accelerator. Measurements shall be repeated following maintenance or service performed on the accelerator, as determined by a therapeutic radiological physicist.

A) For operating conditions producing maximum leakage radiation, the absorbed dose due to leakage radiation, excluding neutrons, at any point in a circular plane of 2 meters radius centered on and perpendicular to the central axis of the beam at the isocenter or normal treatment distance and outside the maximum useful beam size shall not exceed 0.1 percent of the maximum absorbed dose of the unattenuated useful beam measured at the point of intersection of the central axis of the beam and the plane surface. Radiation measurements shall be averaged over an area up to but not exceeding 100 square centimeters.

B) Records of the most recent radiation leakage measurements and the machine parameters used during the survey shall be maintained at the facility for inspection by the Department.

2) Beam-Limiting Devices. Adjustable or interchangeable beam-limiting devices shall transmit no more than two percent of the useful beam at the normal treatment distance for the portion of the useful beam that is to be attenuated by the beam-limiting device. The neutron component of the useful beam shall not be subject to this requirement. This requirement does not apply to auxiliary blocks or materials placed in the useful beam to shape the useful beam to the individual patient.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENTS

- 3) Source-Skin Distance (SSD) Indication
 - A) Means shall be provided to indicate the SSD.
 - B) The SSD shall be indicated in centimeters and/or inches and the measured SSD shall correspond to the indicated value to within 0.5 percent.
- 4) Filters
 - A) Each filter that is removable from the system shall be clearly marked with an identification number. Documentation available at the control panel shall contain a description of the filter. For wedge filters, the wedge angle and maximum design field size shall appear on the wedge or wedge tray.
 - B) If the machine calibration measurements required by subsection (d) below relate exclusively to operation with an x-ray field flattening filter or electron beam scattering filter in place, such filters shall be removable from the machine only by the use of tools.
 - C) Equipment utilizing a system of wedge filters, interchangeable field flattening filters or interchangeable beam scattering filters shall meet the following requirements:
 - i) The equipment shall have an interlock that prevents irradiation if any filter selection operation carried out in the therapy room is not consistent with the selection of filter, beam type or beam energy at the control panel; and
 - ii) The equipment shall have an interlock system that prevents irradiation if any selected filter is not in the correct position.
- 5) Beam Monitoring System. All accelerator systems shall be provided with a beam monitoring system in the radiation head capable of monitoring and terminating irradiation.
 - A) Each beam monitoring system shall have a display at the treatment control panel which shall register accumulated monitor units.
 - B) The beam monitoring system shall terminate irradiation when the preselected number of monitor units has been detected by the system.
 - C) Accelerator systems ~~installed~~ manufactured after October 15, 1993 shall be equipped with a primary and a secondary beam monitoring system. Each beam monitoring system shall be independently capable of monitoring and terminating irradiation.
 - D) For units with a secondary beam monitoring system, the primary beam monitoring system shall terminate irradiation when the preselected number of monitor units has been detected. The secondary beam monitoring system shall terminate irradiation if the primary system fails.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENTS

- E) An interlock device shall prevent irradiation if any beam monitoring system is inoperable.
- F) In the event of power failure, the display information required in subsection (b)(5)(A) above, shall be retrievable in at least one system for 20 minutes.
- 6) Beam Symmetry. For equipment equipped with beam bending magnets, the symmetry of the radiation beam in two orthogonal directions shall be monitored before the beam passes through the beam-limiting device. The equipment shall provide means of terminating irradiation automatically if the difference in dose rate between one region and another region exceeds criteria specified by the manufacturer.
- 7) Control Panel
 - A) Selection and Display of Monitor Units
 - i) Irradiation shall not be possible until a selection of a number of monitor units has been made at the control panel.
 - ii) The selected number of monitor units shall be displayed at the control panel until reset.
 - iii) After completion of irradiation, it shall be necessary to reset the accumulated beam monitor units before treatment can be restarted.
 - B) Termination of Irradiation. It shall be possible to terminate irradiation and equipment movements at any time from the operator's position at the control panel.
 - C) Selection of Radiation Type. Equipment capable of both photon and electron therapy shall meet the following requirements:
 - i) Irradiation shall not be possible until the radiation type has been selected and displayed at the control panel.
 - ii) An interlock shall be provided to ensure that the machine will emit only the radiation type that has been selected.
 - iii) An interlock shall be provided to prevent irradiation with x-rays, except to obtain port films, when electron applicators are installed.
 - iv) An interlock shall be provided to prevent irradiation with electrons if accessories specific for x-ray therapy are installed.
 - D) Section of Radiation Energy. Equipment capable of producing radiation beams of different energies shall meet the following requirements:
 - i) Irradiation shall not be possible until a selection of energy has been made at the control panel.
 - ii) An interlock shall be provided to ensure that the machine will emit only the nominal energy of radiation that has been selected.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENTS

iii) The nominal value of the energy selected shall be displayed at the treatment control panel.

E) Selection of Stationary or Moving Beam Therapy. Equipment capable of both stationary and moving beam therapy shall meet the following requirements:

i) Irradiation shall not be possible unless either stationary therapy or moving beam therapy has been selected at the control panel. The selection of stationary therapy may be performed as a default selection if moving beam therapy is not selected.

ii) An interlock shall be provided to ensure that the machine will operate only in the mode that has been selected.

iii) An interlock shall be provided to terminate irradiation if the gantry fails to move properly during moving beam therapy.

iv) Means shall be provided to prevent movement of the gantry during stationary therapy.

v) The mode of operation shall be displayed at the control panel.

F) Timers. A timer shall be provided with a display at the treatment control panel, as a back-up device to the beam monitoring system.

i) The timer shall permit presetting and determination of exposure times.

ii) The timer shall be a cumulative timer which activates with the production of radiation and retains its reading after irradiation is interrupted or terminated.

iii) The timer shall terminate irradiation when a preselected time has elapsed if the beam monitoring system has not previously terminated irradiation. If set at zero, the timer shall not permit irradiation.

G) Security. The control panel shall be capable of being locked to prevent unauthorized use.

c) Radiation Protection Survey. A radiation protection survey shall be performed by a therapeutic radiological physicist on each accelerator. The registrant shall maintain at the facility a copy of the most recent radiation protection survey report for review by the Department. Radiation protection surveys shall meet the following additional requirements:

1) For each accelerator installed after October 15, 1993, a radiation protection survey shall be performed by a physicist before the system is first used for irradiation of a patient. The physicist who performs the radiation protection survey shall be a person who did not consult in the design of the accelerator installation (see subsection (a) above) and is not employed by or within any corporation or partnership with the person who

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENTS

consulted in the design of the installation.

2) A radiation protection survey shall be performed by a physicist after any change in the accelerator or facility that might produce a radiation hazard. Such survey shall be performed before the system is used to treat patients.

3) The survey report shall include, but need not be limited to, the following:

A) A diagram of the facility which details building structures and the position of the control panel, accelerator and associated equipment;

B) A description of the accelerator system including the manufacturer, model number, beam type and beam energy range;

C) A description of the instrumentation used to determine radiation measurements, including the date and source of the most recent calibration for each instrument used;

D) Conditions under which radiation measurements were taken;

E) Survey data including:

i) Projected weekly dose equivalent in areas adjacent to the therapy room; and

ii) A description of workload, use and occupancy factors employed in determining the projected weekly dose equivalent.

4) The registrant shall retain a copy of the radiation protection survey report and a copy of the report shall be provided to the Department within 30 days after completion of the survey.

5) Any deficiencies detected during the radiation protection survey that would constitute or result in a violation of 32 Ill. Adm. Code 340 shall be corrected prior to using the machine for treatment of patients.

6) The facility shall be operated in compliance with any limitations indicated by the therapeutic radiological physicist as a result of the radiation protection survey.

d) Machine Calibration. Calibration measurements shall be performed on each accelerator system by a therapeutic radiological physicist before the therapy system is first used for irradiation of a patient. Subsequent calibrations shall be performed at intervals not exceeding 1 year.

1) Calibration measurements shall include, but need not be limited to, the following determinations:

A) Verification that the equipment is operating in compliance with the design specifications concerning the light localizer, variation in the axes of rotation for the table, gantry and jaw system and the beam flatness and symmetry at the specified depth;

B) The absorbed dose rate at various depths in water for the range of field sizes used, for each beam type and energy;

C) The uniformity of the radiation field and any dependency upon the direction of the beam;

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENTS

- D) Verification that existing depth-dose data and isodose charts applicable to the specific machine continue to be valid or are updated to existing machine conditions; and
- E) Verification of transmission factors for all accessories such as wedges, shadow trays and compensators, as applicable.

- 2) Calibration radiation measurements shall be performed using a dosimetry system that has been calibrated by a calibration laboratory accredited by the American Association of Physicists in Medicine (AAPM), and meets the requirements of either subsection (A) or (B) below:

- A) The calibration shall have been performed within the previous 2 years and after any servicing that may have affected calibration of the dosimetry system; or
- B) The dosimetry system shall have been calibrated within the previous 4 years and shall have been:

- i) Compared at annual intervals following the calibration to a dosimetry system with calibration obtained within the previous 2 years from a calibration laboratory accredited by the AAPM, and the results of the comparison indicate the calibration factor has not changed by more than two percent; or

- ii) Subjected to a testing protocol that has been established by a therapeutic radiological physicist and that provides for checks of dosimetry constancy and provides for corrective action when results deviate more than two percent from the expected values.

AGENCY NOTE: Redundancy is a basic tenet of radiation dosimetry, therefore the therapeutic radiological physicist should establish a program of inter-comparison and constancy testing of calibrated dosimetry instruments to assure, as much as possible, the accuracy, reliability and reproducibility of the measurements performed with those instruments.

- 3) Calibration of the radiation output of the accelerator shall be performed in accordance with:

- A) The protocol of Task Group 21, Radiation Therapy Committee, American Association of Physicists in Medicine (AAPM), entitled "A Protocol for the Determination of Absorbed Dose from High-Energy Photon and Electron Beams" published in Medical Physics, Volume 10, pages 741-771 (1983), exclusive of subsequent amendments or editions; or
- B) The protocol of the Scientific Committee on Radiation Dosimetry of the AAPM, entitled "Protocol for the Dosimetry of X and Gamma Ray Beams with Maximum Energies Between 0.6 and 50 Mev", published in Physics, Medicine, and Biology, Volume 16, pages 379-396 (1971), exclusive of subsequent

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENTS

- amendments or editions; or
- C) Other machine calibration protocols provided that the registrant has submitted the protocols to the Department and the protocols cover the same topics as those contained in subsections (d)(3)(A) and (B), above.

AGENCY NOTE: Copies of the two protocols referenced above are available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois. The protocols may also be obtained directly from the AAPM, One Physics Ellipse, College Park MD 20740-3846.

- 4) The radiation output of each therapy system shall be independently verified at intervals not to exceed 2 years. Independent verification shall consist of:

- A) Verification of the machine output by a therapeutic radiological physicist who is not employed at the facility and does not perform the annual calibration; or

- B) Alternate methods of verification of machine output, such as the use of mailed dosimetry devices, that use devices and procedures approved by the AAPM.

- 5) Machine calibration records shall include identification of the accelerator calibrated, the results of the tests specified in subsection (d)(1) above and shall be signed and dated by the therapeutic radiological physicist who performed the calibration.

- 6) The registrant shall maintain at the facility, for a period of 5 years, records of machine calibrations, instrument calibrations and independent verifications of machine output for inspection by the Department.

- e) Quality Assurance Checks. A quality assurance (QA) check shall be performed by a therapeutic radiological physicist on each therapy system each calendar month. The interval between QA checks shall not exceed 45 days. QA checks shall also be performed after any change which could affect the radiation output, spatial distribution or other characteristics of the therapy beam, as determined by the physicist. Quality assurance checks shall also meet the following requirements:

- 1) Quality assurance checks shall include determination of:

- A) The radiation output for a set of operating conditions specified by a therapeutic radiological physicist; and
- B) The coincidence of the radiation field and the field indicated by the localizing device.

- 2) Radiation measurements shall be obtained using a dosimetry system that:

- A) Meets the requirements of subsection (d)(2) above; or
- B) Has been directly compared by a therapeutic radiological physicist within the previous year with a dosimetry system which meets the requirements of subsection (d)(2) above.

- 3) The therapeutic radiological physicist shall establish criteria for quality assurance check measurements and shall determine corrective actions to be implemented if the criteria are

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENTS

exceeded.

- 4) The registrant shall retain a record of quality assurance check measurements for inspection by the Department for a period of 5 years. The record shall include the date of the quality assurance check, identification of the accelerator, results of the quality assurance check measurements and the signature of the individual who performed the quality assurance check.

f) Quality Control. A comprehensive quality control program shall be implemented as specified by a therapeutic radiological physicist and shall meet the following requirements:

- 1) The program shall be designed to test the operation and performance of the accelerator in order to maintain radiation safety and clinical reliability. The program shall include as a minimum the items listed in Section 360. Appendix E.
- 2) The physicist shall specify the tolerance and frequency of performance for each item of the quality control program.
- 3) The physicist shall specify what actions are to be taken for any item exceeding the specified tolerance.
- 4) The physicist shall review, sign and date the results of the quality control program each calendar month.

AGENCY NOTE: The elements of a comprehensive quality control program are described in Report No. 13 published by the AAPM, entitled "Physical Aspects of Quality Assurance in Radiation Therapy" (1984). A copy of this report is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois. Report No. 13 may also be obtained directly from the AAPM, One Physics Ellipse, College Park MD 20740-3846.

- g) Operating Procedures. The registrant shall have a therapeutic radiological physicist establish written operating and emergency procedures and shall ensure that the procedures are implemented before the accelerator is used for treatment of patients. Operators of accelerators shall receive training in the application of the procedures before using the accelerator to irradiate patients. A copy of the current operating and emergency procedures shall be maintained at the treatment control panel for use and review.

- 1) Operating procedures to be implemented shall include instructions that:

- A) The accelerator is used in such a manner that patients, workers and the general public are protected from radiation hazards and the provisions of 32 Ill. Adm. Code 340 are met;
- B) No accelerator shall be left unattended unless it is secured against unauthorized use;
- C) The safety interlock system shall not be used to turn off the beam except in an emergency;
- D) The safety interlocks and warning systems required in subsections (a)(3), (a)(4) and (a)(9) above shall be tested for proper operation at monthly intervals;

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENTS

- E) Mechanical supporting or restraining devices shall be used when a patient must be held in position for radiation therapy;
- F) No individual other than the patient shall be in the therapy room during irradiation;
- G) Start-up procedures for the accelerator, specified by the therapeutic radiological physicist, shall be performed daily prior to treatment of patients; and

H) The accelerator shall not be used for treatment of patients unless the operator can maintain visual observation of the patient and audible communication with the patient.

- 2) Emergency procedures shall include instructions for alternate methods for termination of irradiation and machine movements.
- AGENCY NOTE: The operating and emergency procedures should contain as a minimum the machine manufacturer's operations manual for the accelerator.

- 3) Operating and emergency procedures shall include instructions for contacting the therapeutic radiological physicist when operational problems or emergencies occur and the actions that are to be taken until the physicist can be contacted.

h) Machine Maintenance. The therapeutic radiological physicist shall establish accelerator maintenance procedures that meet the following requirements:

- 1) Whenever service or maintenance is performed on the accelerator, a therapeutic radiological physicist shall be notified of such service or maintenance.
- 2) Following completion of service or maintenance involving radiation beam generation, beam steering or monitoring of the beam, but before the accelerator is again used for treatment of patients, the therapeutic radiological physicist shall review the service or maintenance report and shall determine whether a calibration or quality assurance check is necessary to verify the characteristics of the beam(s). If the therapeutic radiological physicist determines that a calibration or quality assurance check is necessary, the calibration or quality assurance check shall be performed before the accelerator is again used for treatment of patients.
- 3) The therapeutic radiological physicist shall establish the frequency of routine maintenance and ensure that records of all service and maintenance performed on the machine are maintained at the facility.
- 4) The therapeutic radiological physicist shall sign and date records of all service and maintenance performed on the machine.
- 5) The therapeutic radiological physicist shall specify the qualifications of maintenance personnel and prohibit non-qualified personnel from repairing the machine or adjusting parameters on the machine.
- 6) Circuit diagrams of the accelerator and interlock systems shall

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENTS

be maintained at the facility and kept current.

(Source: Emergency Amendment adopted at 19 Ill. Reg. _____, effective December 30, 1994, for a maximum of 150 days).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF WITHDRAWAL

TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Private Sewage Disposal Code

2) Code Citation: 77 Ill. Adm. Code 905

3) Section Numbers: Action:

905.10	Withdrawal
905.15	Withdrawal
905.20	Withdrawal
905.30	Withdrawal
905.40	Withdrawal
905.50	Withdrawal
905.55	Withdrawal
905.60	Withdrawal
905.70	Withdrawal
905.80	Withdrawal
905.90	Withdrawal
905.100	Withdrawal
905.110	Withdrawal
905.120	Withdrawal
905.125	Withdrawal
905.130	Withdrawal
905.140	Withdrawal
905.150	Withdrawal
905.160	Withdrawal
905.170	Withdrawal
905.180	Withdrawal
905.190	Withdrawal
905.200	Withdrawal
905.210	Withdrawal
APPENDIX A	
ILLUSTRATION A	Withdrawal
ILLUSTRATION C	Withdrawal
ILLUSTRATION D	Withdrawal
ILLUSTRATION E	Withdrawal
ILLUSTRATION F	Withdrawal
ILLUSTRATION G	Withdrawal
ILLUSTRATION H	Withdrawal
ILLUSTRATION I	Withdrawal
ILLUSTRATION J	Withdrawal
ILLUSTRATION K	Withdrawal
ILLUSTRATION L	Withdrawal
ILLUSTRATION M	Withdrawal
EXHIBIT A	Withdrawal
EXHIBIT B	Withdrawal
ILLUSTRATION N	Withdrawal
ILLUSTRATION R	Withdrawal

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF WITHDRAWAL

TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLUSTRATION U
APPENDIX B
Withdrawal
Withdrawal

- 4) Date Notice of Proposed Rules Published in the Illinois Register:
December 31, 1993 (17 Ill. Reg. 22359)
- 5) Date JCAR Statement of Objection Published in the Illinois Register:
December 30, 1994 (18 Ill. Reg. 18405)

6) Summary of Action Taken by the Agency: The Joint Committee on Administrative Rules objected to the Private Sewage Disposal Code on the basis of potential adverse economic effects of these rules upon homeowners and businesses involved with residential development. The Joint Committee requested that the Department withdraw the rulemaking to afford itself the opportunity to ensure that the least burdensome regulatory option has been selected. The Department agrees to withdraw the proposed rulemaking in response to the objection of the Joint Committee. The intention of the Department is to propose the rulemaking again, using the version that was submitted to the Joint Committee for second notice, to allow additional opportunity for comment and input from interested parties.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF WITHDRAWAL

TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part:

The Illinois Formulary for the Drug Product Selection Program

- 2) Code Citation:

77 Ill. Adm. Code 790

- 3)

<u>Section Numbers:</u>	<u>Action:</u>
790.10	Withdrawal
790.20	Withdrawal
790.40	Withdrawal
790.50	Withdrawal
790.60	Withdrawal
790.65	Withdrawal
790.80	Withdrawal

- 4) Date Notice of Proposed Rules Published in the Illinois Register:

March 11, 1994 (18 Ill. Reg. 3205)

- 5) Date JCAR Statement of Objection Published in the Illinois Register:

September 30, 1994 (18 Ill. Reg. 18420)

- 6) Summary of Action Taken by the Agency:

The Joint Committee on Administrative Rules objected to this rulemaking on the basis that the Department lacks statutory authority to propose provisions that would allow the Department to consider including drug products in the Illinois Formulary for Drug Product Selection that the FDA has determined are not therapeutically equivalent or that have been exempt from FDA consideration. The Department disagrees with the Joint Committee's assertions concerning this rulemaking. Because the Department and the Joint Committee are not in agreement on the role of the Technical Advisory Council in reviewing and recommending drug products for consideration by the Department and because modification of this rulemaking as suggested in the Joint Committee's statement of objection would nullify the existence of the drug formulary and the Technical Advisory Council, the Department is withdrawing this rulemaking in its entirety.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF WITHDRAWAL

TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part:

Repeal of the Illinois Formulary for the Drug Product Selection Program

2) Code Citation:

77 Ill. Adm. Code 790

3) Section Numbers:Action:

790.20	Withdrawal
790.40	Withdrawal
790.60	Withdrawal
790.80	Withdrawal
790.100	Withdrawal
790.120	Withdrawal
790.140	Withdrawal
790.160	Withdrawal
790.180	Withdrawal
790.200	Withdrawal
790.220	Withdrawal
790.240	Withdrawal
790.260	Withdrawal
790.280	Withdrawal
790.300	Withdrawal
790.320	Withdrawal

4) Date Notice of Proposed Rules Published in the Illinois Register:

March 11, 1994 (18 Ill. Reg. 3202)

5) Date JCAR Statement of Objection Published in the Illinois Register:

September 30, 1994 (18 Ill. Reg. 14819)

6) Summary of Action Taken by the Agency:

The Joint Committee on Administrative Rules objected to this rulemaking on the basis that the Department lacks statutory authority to propose provisions that would allow the Department to consider including drug products in the Illinois Formulary for Drug Product Selection that the FDA has determined are not therapeutically equivalent or that have been exempt from FDA consideration. The Department disagrees with the Joint Committee's assertions concerning this rulemaking. Because the Department and the Joint Committee are not in agreement on the role of the Technical Advisory Council in reviewing and recommending drug products for consideration by the Department and because modification of this

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF WITHDRAWAL

TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

rulemaking as suggested in the Joint Committee's statement of objection would nullify the existence of the drug formulary and the Technical Advisory Council, the Department is withdrawing this rulemaking in its entirety.

INDUSTRIAL COMMISSION

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Judicial Review
- 2) Code Citation: 50 Ill. Adm. Code 7060
- 3) Section Numbers: 7060.10
- 4) Date Proposal published in Illinois Register:
September 7, 1984, 8 Ill. Reg. 16217
- 5) Date Adoption published in Illinois Register:
February 22, 1985, 9 Ill. Reg. 2496
- 6) Summary and Purpose of Expedited Correction: At the time Section 7060.10(b) was last amended in 1985, a typing error in the Code copy reduced the ceiling bond amount from "\$75,000" (as published in the Illinois Register), to "\$75.00" (as adopted and on file with the Secretary of State).

7) Information and questions regarding this notice shall be directed to:

Name: Kathryn Kelley, Counsel
 Address: Illinois Industrial Commission
 100 W. Randolph Street, Suit 8-272
 Chicago, Illinois 60601
 Telephone: (312) 814-6559

INDUSTRIAL COMMISSION

NOTICE OF EXPEDITED CORRECTION

TITLE 50: INSURANCE
 CHAPTER II: INDUSTRIAL COMMISSION
 PART 7060
 JUDICIAL REVIEW

Section
7060.10

Certification of Record: Conditions

AUTHORITY: Implementing Section 19 and authorized by Section 16 of the Workers' Compensation Act (Ill. Rev. Stat. 1991, ch. 48, pars. 138.19 and 138.16) [820 ILCS 305/19 and 16].

SOURCE: Filed and effective March 1, 1977; amended at 6 Ill. Reg. 8040, effective July 1, 1982; codified at 7 Ill. Reg. 1242; amended at 9 Ill. Reg. 2496, effective February 11, 1985; expedited correction at 19 Ill. Reg. _____, effective February 11, 1985.

Section 7060.10 Certification of Record: Conditions

a) Cost of Record

Judicial review of Commission decisions is had by summons as provided in the Workers' Compensation Act, (Ill. Rev. Stat. 1991 ch. 48, par. 138.19) [820 ILCS 305/19]. In its decision on review, the Commission shall determine the amount of the probable cost of the record to be filed as a return to the summons. Upon payment of this amount, the Commission shall furnish the reviewing party a certified receipt.

b) Amount of Bond

In its decision on review, pursuant to Section 19(f)(2) of the Act, the Commission, or any member thereof, shall fix the amount of bond, if any, required to be filed by the appealing party as a return to the summons. Bond shall be set at an amount equal to \$100 over the total unpaid amount of the award rendered by the Commission on review subject to a maximum of \$75,000.

(Source: Expedited correction at 19 Ill. Reg. _____, effective February 11, 1985)

ABANDONED MINED LANDS RECLAMATION COUNCIL

REGULATORY AGENDA

1) Heading of the Part: Abandoned Mined Lands Reclamation

2) Code Citation: 62 Ill. Adm. Code 2501

3) A description of the rules(s):

The Rules in this Part implement the Abandoned Mined Lands and Water Reclamation Act (Ill. Rev. Stat. 1991, Ch. 96 1/2, par. 8001.01 et seq.) [20 ILCS 1920], which provides for the Illinois Abandoned Mined Lands (AML) program. This Illinois law is complementary to Title IV of the Federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.). Under the Federal Act, a portion of the money collected by the federal government from a fee imposed on coal mining operations can be provided through cooperative agreements or grants to states which have a federally approved State Reclamation Plan. The rules in the Part constitute a part of the State Reclamation Plan.

The Amendments to this Part will specifically implement recent changes to both the federal and State laws, and corresponding revisions to Federal regulations promulgated by the Office of Surface Mining Reclamation and Enforcement (OSM) at 30 CFR Chapter VII, Subchapter R (parts 870, 872, 873, 874, 875, 876, and 886). Topics of the Amendments may include, but will not necessarily be limited to, Contractor Responsibility, Exclusion of certain non-coal reclamation sites, Reports, Future Reclamation Set-Aside Program, General Reclamation Requirements, Non-coal Reclamation, and Acid Mine Drainage Treatment and Abatement Program. Topics may also include State initiated objectives involving project selection and deferment, and annual grant applications.

4) Statutory Authority: Implementing and Authorized by the Abandoned Mined Lands and Water Reclamation Act (20 ILCS 1920).

5) Schedule of dates for hearings, meetings, or other opportunities for public participation:

Hearings, meetings, etc. will be scheduled upon request after formal Notice.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register:

May 1, 1995

7) Information concerning this regulatory agenda shall be directed to:

ABANDONED MINED LANDS RECLAMATION COUNCIL

REGULATORY AGENDA

Name: Kevin H. Kahl, Legal Counsel
Address: 928 S. Spring Street, Springfield, IL 62704
Telephone: (217) 782-0588

8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations?

No

9) Other pertinent information concerning this rule (amendment, repealer):

None

ABANDONED MINED LANDS RECLAMATION COUNCIL

REGULATORY AGENDA

- 1) Heading of the Part: Public Information, Rulemaking, and Organization
- 2) Code Citation: 2 Ill. Adm. Code 1500
- 3) A description of the rules(s): The Rules in this Part define and describe opportunities for public involvement and participation in various aspects of the Abandoned Mined Lands (AML) program, provide procedures for obtaining information (including Freedom of Information Act requests), and describes the organizational structure of the Abandoned Mined Lands Reclamation Council. The Rules will be amended to update descriptions.
- 4) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act (5 ILCS 100) and authorized by the Abandoned Mined Lands and Water Reclamation Act (20 ILCS 1920).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: N/A
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: June 1, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Name: Kevin H. Kahl, Legal Counsel
Address: 928 S. Spring Street, Springfield, IL 62704
Telephone: (217) 782-0588
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this rule (amendment, repealer):
None

ABANDONED MINED LANDS RECLAMATION COUNCIL

REGULATORY AGENDA

- 1) Heading of the Part: Selection of Contractors and Consultants
- 2) Code Citation: 44 Ill. Adm. Code 1150
- 3) A description of the rules(s):
This Part encompasses selection of contractors and consultants. Amendments will be promulgated to bring the rules into conformity with the Illinois Purchasing Act (30 ILCS 505/1 et seq.) Currently, the agency's rules are more stringent than required by law. Restrictions on advertisement and contract amounts will be relaxed to the same standards as the Illinois Purchasing Act. Also, the rules will be amended to give specific implementation to the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act (30 ILCS 535). Currently, full effect is given to that Act through non-conflicting interpretation. Amendments will clarify procedures. Miscellaneous amendments to this Part will bring the agency's practices and procedures more closely in line with those of other state agencies, particularly those of the Illinois Department of Transportation.
- 4) Statutory Authority: Authorized by the Abandoned Mined Lands and Water Reclamation Act (20 ILCS 1920).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Hearings, meetings, etc. will be scheduled upon request after formal Notice.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: May 22, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Name: Kevin H. Kahl, Legal Counsel
Address: 928 S. Spring Street, Springfield, IL 62704
Telephone: (217) 782-0588
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Yes. The Rules in this Part dictate prequalification, bidding by contractors, consultant selection, and contracting procedures for the Abandoned Mined Lands program and may impact small businesses desiring to participate.
- 9) Other pertinent information concerning this rule (amendment, repealer): None.

COMMISSIONER OF BANKS AND TRUST COMPANIES

REGULATORY AGENDA

1) Heading of the Part: Blacklist Prohibition.

2) Code Citation: 38 Ill. Adm. Code 302

3) A description of the rule(s): The proposed rule would prohibit discrimination by any State chartered bank against any individual, corporation, partnership, association or other entity because he or she or it appears in a so-called blacklist issued by any domestic or foreign corporate or governmental entity.

4) Statutory Authority: The proposed rule implements, and is authorized by, Section 6 of the Commissioner of Banks and Trust Companies Act, 20 ILCS 3205/6.

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Agency has not scheduled any opportunities for public participation as of the date of this notice, but public participation will be requested at the appropriate time.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: The Agency anticipates submitting this proposed rule within the next six months.

7) Information concerning this regulatory agenda shall be directed to:

Dale R. Turner
Assistant General Counsel
Commissioner of Banks and Trust Companies
310 South Michigan Avenue, Suite 2130
Chicago, Illinois 60604

8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This proposed rule will not affect small businesses, small municipalities or not for profit corporations.

9) Other pertinent information concerning this rule (amendment, repealer):
No other information is available as of the date of this notice.

COMMISSIONER OF BANKS AND TRUST COMPANIES

REGULATORY AGENDA

1) Heading of the Part: Corporate Fiduciary Subsidiaries

2) Code Citation: 38 Ill. Adm. Code 396

3) A description of the rule(s): The proposed rule, in addition to renaming Part 396 to address applications and notices by corporate fiduciaries, will set forth the findings that the Agency must make to approve an application by a trust company to establish a branch office and the notice requirements for a bank, savings and loan association or savings bank that seeks to establish a trust branch office.

4) Statutory Authority: The proposed rule implements Section 1-7(a) and is authorized by Section 5-1(a) of the Corporate Fiduciary Act, 205 ILCS 620/1-7(a) and 620/5-1(a).

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Agency has not scheduled any opportunities for public participation as of the date of this notice, but public participation will be requested at the appropriate time.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: The Agency anticipates submitting this proposed rule within the next six months.

7) Information concerning this regulatory agenda shall be directed to:

Dale R. Turner
Assistant General Counsel
Commissioner of Banks and Trust Companies
310 South Michigan Avenue
Suite 2130
Chicago, Illinois 60604

8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This proposed rule will not affect small businesses, small municipalities or not for profit corporations.

9) Other pertinent information concerning this rule (amendment, repealer):
No other information is available as of the date of this notice.

COMMISSIONER OF BANKS AND TRUST COMPANIES

REGULATORY AGENDA

- 1) Heading of the Part: Organization, Information and Rulemaking Procedures of the Commissioner of Banks and Trust Companies

- 2) Code Citation: 38 Ill. Adm. Code 301

- 3) A description of the rule(s): This rule will set forth the information required by Section 5-15(a) of the Illinois Administrative Procedure Act ("IAPA"), 5 ILCS 100/5-15(a) (1992), including: (a) a current description of the Agency's organization; (b) procedures by which the public can obtain information from or submit requests to the Agency; (c) materials to aid users in finding and using the Agency's current collection of rules; and (d) a description of the Agency's rulemaking procedures.

- 4) Statutory Authority: This rule implements and is authorized by Section 5-15(a) of the IAPA.

- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Pursuant to Section 5-15(b) of the IAPA, this rule shall be adopted by filing a certified copy with the Secretary of State. No public participation is required or anticipated.

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Pursuant to Section 5-15(b) of the IAPA, this rule shall be adopted by filing a certified copy with the Secretary of State. Submission of a Notice of Proposed Rules for publication in the Illinois Register is not required or anticipated.

- 7) Information concerning this regulatory agenda shall be directed to:

Dale R. Turner, Assistant General Counsel
Commissioner of Banks and Trust Companies
310 South Michigan Avenue - Suite 2130
Chicago, Illinois 60604

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rule will not affect small businesses, small municipalities or not for profit corporations.

- 9) Other pertinent information concerning this rule (amendment, repealer):
No other information is available as of the date of this notice.

COMMISSIONER OF BANKS AND TRUST COMPANIES

REGULATORY AGENDA

- 1) Heading of the Part: Public Hearings on Acquisitions of Illinois Banks or Illinois Bank Holding Companies by Midwest Bank Holding Companies

- 2) Code Citation: 38 Ill. Adm. Code 390

- 3) A description of the rule(s): The proposed rules establish, consolidate, and clarify uniform hearing procedures for a) administrative hearings before the Illinois Commissioner of Banks and Trust Companies ("Commissioner") arising under the Illinois Banking Act, Electronic Fund Transfer Transmission Facility Act, Corporate Fiduciary Act, and Foreign Banking Office Act; b) public hearings before the Commissioner concerning acquisitions of Illinois banks or Illinois bank holding companies by out of state bank holding companies; and c) arbitrations by the Commissioner of disputes arising under the Electronic Fund Transfer Transmission Facility Act. The proposed rules amend Part 390 of Title 38, Ch. II and replace Subparts B & C of Part 310 of Title 38, Ch. II, and Part 392 of Title 38, Ch. II.

- 4) Statutory Authority: The proposed rules implement Sections 5-100, 8-101, 8-102, and 8-105 of the Electronic Fund Transfer Transmission Facility Act, 205 ILCS 615/5-100, 615/8-101, 615/8-102 and 615/8-105; implement Section 3-071(d) and are authorized by Section 3.074(a) of the Illinois Bank Holding Company Act of 1957, 205 ILCS 10/3-071(d) and 10/3-074(a); and implement and are authorized by Section 48 of the Illinois Banking Act, 205 ILCS 5/48, Sections 10-101 and 5-100 of the Electronic Fund Transfer Transmission Facility Act, 205 ILCS 615/10-101 and 615/5-100, Sections 5-7 and 5-1 of the Corporate Fiduciary Act, 205 ILCS 620/5-7 and 620/5-1, and Section 18 of the Foreign Banking Office Act, 205 ILCS 645/18.

- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Agency has not scheduled any opportunities for public participation as of the date of this notice, but public participation will be requested at the appropriate time.

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: The Agency anticipates submitting a notice of these proposed rules within the next six months.

- 7) Information concerning this regulatory agenda shall be directed to:

Dale R. Turner
Assistant General Counsel
Commissioner of Banks and Trust Companies
310 South Michigan Avenue
Suite 2130
Chicago, Illinois 60604

COMMISSIONER OF BANKS AND TRUST COMPANIES

REGULATORY AGENDA

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This proposed rule will not affect small businesses, small municipalities or not for profit corporations.
- 9) Other pertinent information concerning this rule (amendment, repealer): No other information is available as of the date of this notice.

COMMISSIONER OF BANKS AND TRUST COMPANIES

REGULATORY AGENDA

- 1) Heading of the Part: Standards for Operation and Conduct of Affairs of Corporate Fiduciaries
- 2) Code Citation: 38 Ill. Adm. Code 399
- 3) A description of the rule(s): The proposed rule will set forth the limitations on the authority of trust companies to invest for their own account.
- 4) Statutory Authority: The proposed rule implements and is authorized by Section 5-1(a) of the Corporate Fiduciary Act, 205 ILCS 620/5-1(a).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Agency has not scheduled any opportunities for public participation as of the date of this notice, but public participation will be requested at the appropriate time.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: The Agency anticipates submitting this proposed rule within the next six months.
- 7) Information concerning this regulatory agenda shall be directed to:

Dale R. Turner
Assistant General Counsel
Commissioner of Banks and Trust Companies
310 South Michigan Avenue
Suite 2130
Chicago, Illinois 60604
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This proposed rule will not affect small businesses, small municipalities or not for profit corporations.
- 9) Other pertinent information concerning this rule (amendment, repealer): No other information is available as of the date of this notice.

CAPITAL DEVELOPMENT BOARD

REGULATORY AGENDA

- 1) Heading of the Part: Illinois Accessibility Code
- 2) Code Citation: 71 Ill. Adm. Code 400
- 3) A description of the rule(s): Amendments will incorporate federal Americans with Disabilities Act provisions that are more stringent than existing Code requirements.
- 4) Statutory Authority: Implementing and authorized by the Administrative Procedure Act (5 ILCS 100), as amended pursuant to P.A. 88-667, effective September 14, 1994, to require each Agency to submit regulatory agendas for publication in the Illinois Register by January 1 and July 1 of each year.
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None at this time. See answer to #9 below.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: January 1, 1996.

7) Information concerning the regulatory agenda shall be directed to:

Claire Gibson
Legal Advisor
Capital Development Board
Wm. G. Stratton Building - 3rd Floor
Springfield, IL 62706
(217) 782-8729

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? It will affect small businesses and municipalities to the extent that they are subject to the Environmental Barriers Act (410 ILCS 25/1 et seq.)

- 9) Other pertinent information concerning this rule (amendment, repealer): The Disabled Persons Advocacy Division of the Attorney General's Office (the agency charged with enforcement of the Environmental Barriers Act) has organized a large committee consisting of representatives of the Capital Development Board and other governmental entities, disabled persons organizations, building owners organizations, architects, and other interested persons to cooperatively draft the proposed amendments.

CAPITAL DEVELOPMENT BOARD

REGULATORY AGENDA

- 1) Heading of the Part: Insurance and Surety Companies
- 2) Code Citation: 44 Ill. Adm. Code 1050
- 3) A description of the rule(s): The Capital Development Board (CDB) is developing new standards of acceptability for bonds and insurance for construction projects, and relevant procedures.
- 4) Statutory Authority: Implementing and authorized by the Administrative Procedure Act (5 ILCS 100), as amended pursuant to P.A. 88-667, effective September 14, 1994, to require each Agency submit regulatory agendas for publication in the Illinois Register by January 1 and July 1 of each year.
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None. Revision has just begun, and public input would be premature at this time.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: July 1, 1996.

7) Information concerning this regulatory agenda shall be directed to:

Claire Gibson, Legal Advisor
Wm. G. Stratton Building, 3rd Floor
Springfield, IL 62706
217/782-8729

- 8) Will this amendment affect small business, small municipalities or not for profit corporations? It will affect small construction businesses, and small insurance and surety companies.

- 9) Other pertinent information concerning this amendment:

CAPITAL DEVELOPMENT BOARD

REGULATORY AGENDA

1) Heading of the Part: Bidder Responsibility and Suspension of Contractors2) Code Citation: 44 Ill. Adm. Code 0017

3) A description of the rule(s): These rules govern contractor prequalification for bidding on Capital Development Board (CDB) construction projects, based on contractor responsibility, as well as prequalification procedures and suspension.

4) Statutory Authority: Implementing and authorized by the Administrative Procedure Act (5 ILCS 100), as amended pursuant to P.A. 88-667, effective September 14, 1994, to require each Agency to submit regulatory agendas for publication in the Illinois Register by January 1 and July 1 of each year.

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None. Proposed rules have previously been submitted to representatives of the construction industry for comment.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: January 5, 1995.

7) Information concerning the regulatory agenda shall be directed to:

Claire Gibson, Legal Advisor
Wm. G. Stratton Building, 3rd Floor
Springfield, IL 62706
217/782-8729

8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Small businesses engaged in State building construction contracts will be affected.

9) Other pertinent information concerning this rule (amendment, repealer): Proposed rules have been developed by CDB over the last year, and are now in final form.

CAPITAL DEVELOPMENT BOARD

REGULATORY AGENDA

1) Heading of the Part: Prequalification and Suspension of Contractors2) Code Citation: 44 Ill. Adm. Code 950

3) A description of the rule(s): Rules not previously repealed, which are to be replaced by the new Proposed Bidder Responsibility, Prequalification and Suspension of Contractors rule, will be repealed.

4) Statutory Authority: Implementing and authorized by the Administrative Procedure Act (5 ILCS 100), as amended pursuant to P.A. 88-667, effective September 14, 1994, to require that each Agency submit regulatory agendas for publication in the Illinois Register by January 1 and July 1 of each year.

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: January 5, 1995.

7) Information concerning the regulatory agenda shall be directed to:

Name: Claire Gibson, Legal Advisor
Address: Wm. G. Stratton Building, 3rd Floor
Springfield, IL 62706
Telephone: 217/782-8729

8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? It will affect small construction businesses.

9) Other pertinent information concerning this rule (amendment, repealer): This repealer will be replaced by new proposed rules.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Client Service Planning
- 2) Code Citation: 89 Ill. Adm. Code 305
- 3) A description of the rule(s): Part 305 describes the Department's service planning and case review process. This Part also outlines the permanency goals/permanency options which are used to direct service planning and service delivery.

The Department will propose amendments to Section 305.30, Introduction to Client Service Planning, and Section 305.50, Service Plan to clarify that service planning should recognize the importance of placing siblings together whenever possible and, if placement in the same home is not possible, that regular visiting between siblings and their families should be arranged.

- 4) Statutory Authority: Implementing and authorized by Section 5 et seq. of the Children and Family Services Act [20 ILCS 505].

- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Interested persons may provide their comments on this regulatory agenda to the person named in item seven below. Comments should be submitted in writing and will be accepted for 30 days after the publication of this Regulatory Agenda.

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: April, 1995

- 7) Information concerning the regulatory agenda shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe Street, Station #222
Springfield, Illinois 62701-1498
(217) 524-1983 or TTY: (217) 524-3715

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Yes. Small businesses, small municipalities, and not for profit corporations which provide substitute care services to children for whom the Department of Children and Family Services is legally responsible will be impacted by these proposed amendments.

- 9) Other pertinent information concerning this rule (amendment, repealer):

These proposed amendments, in conjunction with proposed amendments to 89

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

REGULATORY AGENDA

Ill. Adm. Code 301, Foster Care Placement Goal (Placement and Visitation Services) and 89 Ill. Adm. Code 302, Services Delivered by the Department, implement the requirements of the Aristotle P. Consent Decree.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

REGULATORY AGENDA

1) Heading of the Part: Foster Care Placement Goal2) Code Citation: 89 Ill. Adm. Code 301

3) A description of the rule(s): Part 301 implements a subsection of Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C. 671(a)(14) which requires that the Department publish a goal regarding the number of children in foster care who will remain in such care in excess of 24 months. The Department intends to enlarge the focus of this rule and retile it Visitation and Placement Services.

Large portions of 89 Ill. Adm. Code 302, Section 302.390, Placement Services, and 89 Ill. Adm. Code 305, Client Service Planning, Section 305.90, Parent-Child Visitation will be transferred to Part 301 to create one comprehensive Part on placement and visitation services. Amendments will be proposed to this recodified Part to require that siblings be placed together in foster care homes, whenever possible, and if placement in the same home is not possible, that regular visiting between siblings and their families be arranged.

4) Statutory Authority: Implementing and authorized by Section 5 et seq. of the Children and Family Services Act [20 ILCS 505].

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Interested persons may provide their comments on this regulatory agenda to the person named in item 7 below. Comments should be submitted in writing and will be accepted for 30 days after the publication of this Regulatory Agenda.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: April 1, 1995

7) Information concerning the regulatory agenda shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe Street, Station #222
Springfield, IL 62701-1498
(217) 524-1983 or TTY: (217) 524-3715

8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Yes. Small businesses, small municipalities, and not for profit corporations which provide substitute care services to children for whom the Department of Children and Family Services is legally responsible will be impacted by these proposed amendments.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

REGULATORY AGENDA

1) Heading of the Part: Confidentiality of Personal Information of Persons Served by the Department2) Code Citation: 89 Ill. Adm. Code 431

3) A description of the rule(s): Part 431 describes the confidential nature of Department records regarding clients served and details who may have access to these records and under what conditions. Section 431.30, Maintenance of Records, of this Part also prescribes how long confidential case records, including child abuse/neglect records are to be maintained. Public Act 88-614, AN ACT regarding children requires the Department to retain in the State Central Register listings of unfounded reports where the report is classified as a priority one or priority two report or the report was made by a mandated reporter.

The Department will propose amendments to Section 431.30 to specify how long unfounded child abuse/neglect reports will be retained and the requirements for access to these records.

4) Statutory Authority: Implementing and authorized by Public Act 88-614 which amended the Abused and Neglected Child Reporting Act [325 ILCS 5].

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Interested persons may provide their comments on this regulatory agenda to the person named in item seven below. Comments should be submitted in writing and will be accepted for 30 days after the publication of this Regulatory Agenda.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: April 1, 1995

7) Information concerning the regulatory agenda shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe Street, Station #222
Springfield, Illinois 62701-1498
(217) 524-1983 or TTY: (217) 524-3715

8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.

9) Other pertinent information concerning this rule (amendment, repealer): None.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

REGULATORY AGENDA

- 9) Other pertinent information concerning this rule (amendment, repealer): These proposed amendments, in conjunction with proposed amendments to 89 Ill. Adm. Code 302, Services Delivered by the Department, and 89 Ill. Adm. Code 305, Client Service Planning, implement the requirements of the Aristotle P. Consent Decree.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Licensing Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 383
- 3) A description of the rule(s): Part 383 describes the process used by the Department to resolve complaints regarding licensed and unlicensed child care facilities, investigation of licensing complaints; policies regarding denial of a license application or refusal to renew or revoke licenses; and rules of practice for administrative hearings regarding licensed child care facilities.

The Department will propose amendments to these rules defining an informal review process which allows for resolution of licensing issues prior to a formal administrative hearing.
- 4) Statutory Authority: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10/1] and the Illinois Administrative Procedure Act [5 ILCS 100].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: A more descriptive Regulatory Agenda will be published in the Illinois Register when the Department has outlined the broad parameters for the informal review process. Written input into the informal review process will be solicited at that time. It is anticipated that the more descriptive Regulatory Agenda will be published in May, 1995.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Summer, 1995
- 7) Information concerning the regulatory agenda shall be directed to:

Name: Jacqueline Nottingham, Chief
Address: Office of Rules and Procedures
406 E. Monroe Street, Station #222
Springfield, Illinois 62701-1498
Telephone: Voice: (217) 524-1983 TTY: (217) 524-3715
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Yes. Small businesses, small municipalities, and not for profit corporations which are licensed by the Department of Children and Family Services may be impacted by the informal licensing review process.
- 9) Other pertinent information concerning this rule (amendment, repealer): In accordance with the requirements of the B.H. Consent Decree, the Department convened a Licensing Reform Panel to review the licensing enforcement provisions for the Department of Children and Family Services. The

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

REGULATORY AGENDA

Licensing Reform Panel made general recommendations for the improvement of the Department's licensing enforcement activities. Interested persons may obtain a copy of the Licensing Reform Panel report by contacting the person named in item seven above.

The Department has not provided a response to the recommendations of the Licensing Reform Panel nor has the Department determined whether it will combine the amendments necessary to implement reforms to the licensing enforcement process with the amendments which will define an informal review process to resolve licensing issues prior to a formal administrative hearing. The Regulatory Agenda which will be published in May will provide more detail with regard to the Department's intentions for amendments to this Part.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Licensing Standards for Child Care Institutions and Maternity Centers
- 2) Code Citation: 89 Ill. Adm. Code 404
- 3) A description of the rule(s): Part 404 contains the minimum standards for licensure in the State of Illinois as a child care institution. In accordance with the B.H. Consent Decree, the Department convened a Licensing Reform Panel to review the licensing standards promulgated by the Department for child welfare agencies, child care institutions, group homes, and foster family homes.

The Licensing Reform Panel made recommendations for change in the general content of each of these licensing standards. The Department is reviewing the recommendations of the Licensing Reform Panel and is formulating its written response to the Reform Panel's recommendations. The Department would like to receive input from licensed child care institutions and the general public regarding the recommendations of the Licensing Reform Panel.

- 4) Statutory Authority: Implementing and authorized by Section 1 et seq. of the Child Care Act of 1969 [225 ILCS 10/1].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Interested persons may obtain a copy of the Licensing Reform Panel report by contacting the person named in item seven below.

Public meetings to solicit comments on the recommendations of the Licensing Reform Panel are being planned for the month of February, 1995 in Chicago and Springfield. The Department will publish a notice in the Illinois Register during the month of January announcing the times, dates, and places for these public meetings.

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: June 30, 1995

- 7) Information concerning the regulatory agenda shall be directed to:

Name: Jacqueline Nottingham, Chief
Address: Office of Rules and Procedures
406 E. Monroe Street, Station #222
Springfield, Illinois 62701-1498
Telephone: Voice: (217)524-1983
TTY: (217)524-3715

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Yes. Licensed child care institutions which are small businesses, not for profit corporations, or

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

REGULATORY AGENDA

operated by small municipalities will be affected by these proposed amendments.

- 9) Other pertinent information concerning this rule (amendment, repealer): The public meetings will accept commentary on the Licensing Reform Panel's recommendations for changes to 89 Ill. Adm. Code 403, Licensing Standards for Group Homes, and 89 Ill. Adm. Code 401, Licensing Standards for Child Welfare Agencies during these public meetings which will be scheduled for the month of February.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Licensing Standards for Child Welfare Agencies

- 2) Code Citation: 89 Ill. Adm. Code 401

- 3) A description of the rule(s): Part 401 contains the minimum standards for licensure in the State of Illinois as a child welfare agency. In accordance with the B.H. Consent Decree, the Department convened a Licensing Reform Panel to review the licensing standards promulgated by the Department for child welfare agencies, child care institutions, group homes, and foster home.

The Licensing Reform Panel made recommendations for change in the general content of each of these licensing standards. The Department is reviewing the recommendations of the Licensing Reform Panel and is formulating its written response to these recommendations. The Department would like to receive input from licensed child welfare agencies and the general public regarding the recommendations of the Licensing Reform Panel.

- 4) Statutory Authority: Implementing and authorized by Section 1 et seq. of the Child Care Act of 1969 [225 ILCS 10/1].

- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Interested persons may obtain a copy of the Licensing Reform Panel report by contacting the person named in item seven below.

Public meetings to solicit comments on the recommendations of the Licensing Reform Panel are being planned for the month of February, 1995 in Chicago and Springfield. The Department will publish a notice in the Illinois Register during the month of January announcing the times, dates, and places for these public meetings.

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: June 30, 1995

- 7) Information concerning the regulatory agenda shall be directed to:

Name: Jacqueline Nottingham, Chief
Address: Office of Rules and Procedures
406 E. Monroe Street, Station #222
Springfield, Illinois 62701-1498
Telephone: Voice: (217) 524-1983 TTY: (217) 542-3715

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Yes. Licensed child welfare agencies which are small businesses, not for profit corporations, or operated by small municipalities will be affected by the recommendations of the Licensing Reform Panel.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
REGULATORY AGENDA

- 9) Other pertinent information concerning this rule (amendment, repealer): The public meetings will accept commentary on the Licensing Reform Panel's recommendations for changes 89 Ill. Adm. Code 403, Licensing Standards for Group Homes, and 89 Ill. Adm. Code 404, Licensing Standards for Child Care Institutions during these public meetings which will be scheduled for the month of February, 1995.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
REGULATORY AGENDA

- 1) Heading of the Part: Licensing Standards for Foster Family Homes
- 2) Code Citation: 89 Ill. Adm. Code 402
- 3) A description of the rule(s): Part 402 contains the minimum standards for licensure in the State of Illinois as a foster family home. In accordance with the B.H. Consent Decree, the Department convened a Licensing Reform Panel to review the licensing standards promulgated by the Department for child welfare agencies, child care institutions, group homes, and foster family homes. In addition, the Department is reviewing the licensing standards for foster family homes to determine whether additional changes in the standards for licensure as a foster family home may be needed as a result of the enactment of Public Act 88-550, AN ACT relating to children, amending named Acts.

The Licensing Reform Panel amend recommendations for change in the general content of each of these licensing standards, but made the most far reaching recommendations for change in the licensing standards for foster family homes. The Department is reviewing the recommendations of the Licensing Reform Panel and is formulating its written response to the Reform Panel's recommendations. The Department would like to receive input from licensed foster parents and the general public regarding the recommendations of the Licensing Reform Panel.

- 4) Statutory Authority: Implementing and authorized by Section 1 et seq. of the Child Care Act of 1969 [225 ILCS 10/1].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Interested persons may obtain a copy of the Licensing Reform Panel report by contacting the person named in item seven below. Public meetings to solicit comments on the recommendations of the Licensing Reform Panel will be announced via a more detailed Regulatory Agenda which will be published in the Illinois Register during the month of May, 1995.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Late summer, 1995
- 7) Information concerning the regulatory agenda shall be directed to:

Name: Jacqueline Nottingham, Chief
Address: Office of Rules and Procedures
406 E. Monroe Street, Station #222
Springfield, Illinois 62701-1498
Telephone: Voice: (217) 524-1983 TTY: 524-3715
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Yes. Licensed child welfare

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
REGULATORY AGENDA

- 1) Heading of the Part: Licensing Standards for Group Homes
- 2) Code Citation: 89 Ill. Adm. Code 403
- 3) A description of the rule(s): Part 403 contains the minimum standards for licensure in the State of Illinois as a group home. In accordance with the B.H. Consent Decree, the Department convened a Licensing Reform Panel to review the licensing standards promulgated by the Department for child welfare agencies, child care institutions, group homes, and foster family homes.

The Licensing Reform Panel made recommendations for change in the general content of each of these licensing standards. The Department is reviewing the recommendations of the Licensing Reform Panel and is formulating its written response to the Reform Panel's recommendations. The Department would like to receive input from licensed group homes and the general public regarding the recommendations of the Licensing Reform Panel.

- 4) Statutory Authority: Implementing and authorized by Section 1 et seq. of the Child Care Act of 1969 (225 ILCS 10/1).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Interested persons may obtain a copy of the Licensing Reform Panel report by contacting the person named in item seven below.

Public meetings to solicit comments on the recommendations of the Licensing Reform Panel are being planned for the month of February, 1995 in Chicago and Springfield. The Department will publish a notice in the Illinois Register during the month of January announcing the times, dates, and places for these public meetings.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: June 30, 1995
- 7) Information concerning the regulatory agenda shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe Street, Station #222
Springfield, Illinois 62701-1498
(217) 524-1983 or TTY: (217) 524-3715
- 8) Will this rule (amendment, repeal) affect small business, small municipalities or not for profit corporations? Yes. Licensed group homes which are small business, not for profit corporations, or operated by small municipalities will be affected by these proposed amendments.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
REGULATORY AGENDA

agencies which supervise foster family homes and which are small business, not for profit corporations, or operated by small municipalities will be affected by these proposed amendments.

- 9) Other pertinent information concerning this rule (amendment, repeal):
None.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

REGULATORY AGENDA

- 9) Other pertinent information concerning this rule (amendment, repealer): The public meetings will accept commentary on the Licensing Reform Panel's recommendations for changes to 89 Ill. Adm. Code 401, Licensing Standards for Child Care Institutions, and 89 Ill. Adm. Code 401, Licensing Standards for Child Welfare Agencies during these public meetings which will be scheduled for the month of February.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Reports of Child Abuse and Neglect
 - 2) Code Citation: 89 Ill. Adm. Code 300
 - 3) A description of the rule(s): Part 300 outlines the Department process for receiving and investigating reports alleging the abuse or neglect of children, for insuring the safety of children alleged to be abused or neglected, and for notifying involved parties of the report and the investigation.
- Proposed amendments will be offered in March, 1995 to change the requirements for notifying the parents of the alleged child victim and the caseworkers or casemanagers for other children in the foster home or congregate care placement of the report of suspected child abuse or child neglect. Such notice will be provided when a child abuse/neglect report has been made, when an investigation is pending, and when the report has been indicated or unfounded. These proposed amendments also will require the Department to develop a protective plan if children will continue to reside in the substitute care placement during the pendency of the investigation or after the investigation has been concluded.

- 4) Statutory Authority: Implementing and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Interested persons may provide their comments on this Regulatory Agenda to the person named in item 7 below. Comments should be submitted in writing and will be accepted for 30 days after the publication of this Regulatory Agenda.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: March 15, 1995
- 7) Information concerning the regulatory agenda shall be directed to:

Jacqueline Nottingham, Chief
 Office of Rules and Procedures
 Department of Children and Family Services
 406 E. Monroe Street, Station #222
 Springfield, IL 62701-1498
 (217) 524-1983 or TTY: (217) 524-3715
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Yes. Small businesses, municipalities or not for profit corporations which provide foster care, relative home care, or residential care to children for whom the Department of Children and Family Services is legally responsible may be affected by

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

REGULATORY AGENDA

these proposed amendments.

- 9) Other pertinent information concerning this rule (amendment, repealer):
These amendments will implement the requirements of Section 12 of the B.H.
vs. Suter Consent Decree.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Services Delivered by the Department

- 2) Code Citation: 89 Ill. Adm. Code 302

- 3) A description of the rule(s): Part 302 describes the child welfare services offered by the Department of Children and Family Services. The Department of Children and Family Services will be proposing amendments to Section 302.310 to eliminate the means test for adoption assistance, as required by Federal regulations, and will move language regarding placement services in Section 302.390 to Part 301, which will be retitled Visitation and Placement Services.

- 4) Statutory Authority: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505] and the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq.).

- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Interested persons may provide their comments on this Regulatory Agenda to the person named in item seven below. Comments should be submitted in writing and will be accepted for 30 days after the publication of the Regulatory Agenda.

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: April 1, 1995

- 7) Information concerning the regulatory agenda shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe Street, Station #222
Springfield, IL 62701-1498
(217) 524-1983 or TTY: (217) 524-3715

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.

- 9) Other pertinent information concerning this rule (amendment, repealer):
These proposed amendments, in conjunction with proposed amendments to 89 Ill. Adm. Code 301, Foster Care Placement Goal (Visitation and Placement Services) and 89 Ill. Adm. Code 305, Client Service Planning, implement the requirements of the Aristotle P. Consent Decree.

ILLINOIS REGISTER

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

REGULATORY AGENDA

- 1) Heading of the Part: Economic Dislocation and Workers Adjustment Assistance
- 2) Code Citation: 56 Ill. Adm. Code 2625
- 3) A description of the rule(s): Revise the Job Training Partnership Act rules to be consistent with federal regulatory changes.
- 4) Statutory Authority: Sections 4 and 301-326 of the Job Training Partnership Act (P.L. 97-300, as amended) and authorized by 20 ILCS 655/46.41 (P.A. 87-981).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: April, 1995
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: March, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Name: Boyd Link
 Department of Commerce and Community Affairs
 Address: 620 East Adams Street, 4th Floor
 Springfield, Illinois 62701
 Telephone: 217/785-6273
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Yes
- 9) Other pertinent information concerning this rule (amendment, repealer):
 This is an amendment to existing rules.

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Transfer of Violent Juvenile Offenders to the Department of Corrections
- 2) Code Citation: 89 Ill. Adm. Code 312 (New Part)
- 3) A description of the rule(s): New Part 312 will describe the operation of an interagency review committee, as required by amendments to Section 3-10-11 of the Unified Code of Corrections enacted by Public Act 88-680, effective December 15, 1994. The interagency review committee is responsible, at the request of DCFS, for reviewing the history of violent juvenile offenders 10 years of age or older to determine whether the Department of Children and Family Services has adequate facilities to care for and rehabilitate such minor. This new Part will govern the operation of the interagency review committee.
- 4) Statutory Authority: Authorized by Section 5 et seq. of the Children and Family Services Act [20 ILCS 505] and implementing Section 3-10-11 of the Unified Code of Corrections [730 ILCS 5/3-10-11].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Public meetings will be held in Chicago and Springfield during the month of February. The Department will publish a notice in the Illinois Register during the month of January announcing the times, dates, and places for these public meetings.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: April, 1995
- 7) Information concerning the regulatory agenda shall be directed to:
 Jacqueline Nottingham, Chief
 Office of Rules and Procedures
 Department of Children and Family Services
 406 E. Monroe Street, Station #222
 Springfield, Illinois 62701-1498
 (217)524-1983 or TTY: (217) 524-3715
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer):
 This new Part will be developed in cooperation with the Illinois Department of Corrections.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

REGULATORY AGENDA

- 1) Heading of the Part: Industrial Training Program
- 2) Code Citation: 56 Ill. Adm. Code 2650
- 3) A description of the rule(s): Revise rules for the Illinois Industrial Training Program.
- 4) Statutory Authority: 20 ILCS 605/46.19a(a) and 46.42
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: April, 1995

7) Information concerning this regulatory agenda shall be directed to:

Jerry Burger
Department of Commerce and Community Affairs
620 East Adams Street, 6th Floor
Springfield, Illinois 62701
(217) 785-6284

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Yes
- 9) Other pertinent information concerning this rule (amendment, repealer): It is anticipated that revisions will include amendments, repealers and recodifications.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

REGULATORY AGENDA

- 1) Heading of the Part: Illinois Small Business Development Program
- 2) Code Citation: 14 Ill. Adm. Code 570
- 3) A description of the rule(s): Establish rules for financial intermediary investments.
- 4) Statutory Authority: 30 ILCS 750/9-1-10
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: February, 1995

7) Information concerning this regulatory agenda shall be directed to:

Richard N. LeGrand
Department of Commerce and Community Affairs
Address: 620 East Adams Street, 3rd Floor
Springfield, Illinois 62701
Telephone: 217/782-3891

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Yes
- 9) Other pertinent information concerning this rule (amendment, repealer): None

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

REGULATORY AGENDA

- 1) Heading of the Part: Service Delivery System and State Responsibilities
- 2) Code Citation: 56 Ill. Adm. Code 2600
- 3) A description of the rule(s): Revise the Job Training Partnership Act rules to be consistent with federal regulatory changes.
- 4) Statutory Authority: Sections 4 and 101-184 of the Job Training Partnership Act (P.L. 97-300, as amended) and authorized by 20 ILCS 655/46.41 and 46.49 (P.A. 87-931).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: April, 1995
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: March, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Name: Boyd Link
 Department of Commerce and Community Affairs
 Address: 620 East Adams Street, 4th Floor
 Springfield, Illinois 62701
 Telephone: 217/785-6273
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Yes
- 9) Other pertinent information concerning this rule (amendment, repealer):
 This is an amendment to existing rules.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

REGULATORY AGENDA

- 1) Heading of the Part: State Administration of the Federal Community Development Block Grant Program for Small Cities
- 2) Code Citation: 47 Ill. Adm. Code 110
- 3) A description of the rule(s): Revise the Community Development Assistance Program rules to be consistent with statutory changes.
- 4) Statutory Authority: Section 104 of Title I of the Housing and Community Development Act of 1976 as amended and Section 46.42 of the Civil Administrative Code of Illinois 20 ILCS 605/46.42.
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: March, 1995
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: February, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Jean Thomas
 Department of Commerce and Community Affairs
 620 East Adams Street, 5th Floor
 Springfield, Illinois 62701
 (217) 785-6142
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Yes
- 9) Other pertinent information concerning this rule (amendment, repealer):
 This is an amendment to existing rules.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

REGULATORY AGENDA

- 1) Heading of the Part: Training Services for the Disadvantaged
- 2) Code Citation: 56 Ill. Adm. Code 2610
- 3) A description of the rule(s): Revise the Job Training Partnership Act rules to be consistent with federal regulatory changes.
- 4) Statutory Authority: Sections 4 and 201-266 of the Job Training Partnership Act (P.L. 97-300, as amended) and authorized by 20 ILCS 655/46.40(b) and 46.42 (P.A. 87-981).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: April, 1995
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: March, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Name: Boyd Link
 Department of Commerce and Community Affairs
 Address: 620 East Adams Street, 4th Floor
 Springfield, Illinois 62701
 Telephone: 217/785-6273
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Yes
- 9) Other pertinent information concerning this rule (amendment, repealer):
 This is an amendment to existing rules.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

REGULATORY AGENDA

- 1) Heading of the Part: Uniform Fiscal and Administrative Standards for the Job Training Partnership Act
- 2) Code Citation: 56 Ill. Adm. Code 2630
- 3) A description of the rule(s): Revise the Job Training Partnership Act rules to be consistent with federal regulatory changes.
- 4) Statutory Authority: The Job Training Partnership Act (P.L. 97-300, as amended) and authorized by 20 ILCS 655/46.40 (P.A. 87-981).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: April, 1995
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: March, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Name: Boyd Link
 Department of Commerce and Community Affairs
 Address: 620 East Adams Street, 4th Floor
 Springfield, Illinois 62701
 Telephone: 217/785-6273
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Yes
- 9) Other pertinent information concerning this rule (amendment, repealer):
 This is an amendment to existing rules.

ILLINOIS COMMERCE COMMISSION

REGULATORY AGENDA

- 1) Heading of the Part: Federal Energy Efficiency Investment Standard

- 2) Code Citation: 83 Ill. Adm. Code 0014

3) A description of the rule(s): This rulemaking involves the consideration of the Federal standard regarding electric utility energy efficiency investments in power generation and supply established by Section 111(a) of the Energy Policy Act of 1992 ("EPACT"). Section 111 of EPACT amended Title I of the Federal Public Utility Regulatory Policies Act of 1978 ("PURPA"). The amendments to PURPA direct the Commission (with respect to each electric utility for which it has rate-making authority and whose retail sales of electric energy exceed the amount specified in PURPA) to provide public notice and conduct a hearing to consider the energy efficiency standard.

- 4) Statutory Authority: Implementing Title I of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2611-2645) and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/10-101).

- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Persons interested in participating in the proceeding should file a petition to intervene in docket 94-0427.

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Undetermined

- 7) Information concerning the regulatory agenda shall be directed to:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
(217) 782-7434

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rule will not affect any small businesses, small municipalities, or not for profit corporations.

ILLINOIS COMMERCE COMMISSION

REGULATORY AGENDA

- 1) Heading of the Part: Federal Demand Management Investment Standard

- 2) Code Citation: 83 Ill. Adm. Code 0013

3) A description of the rule(s): This rulemaking involves the consideration of the Federal standard regarding electric utility investments in conservation and demand management established by Section 111(a) of the Energy Policy Act of 1992 ("EPACT") (P.L. 102-486). Section 111 of EPACT amended Title I of the Federal Public Utility Regulatory Policies Act of 1978 ("PURPA"). The amendments to PURPA direct the Commission (with respect to each electric utility for which it has rate-making authority and whose retail sales of electric energy exceed the amount specified in PURPA) to provide public notice and conduct a hearing to consider the demand side management standard.

- 4) Statutory Authority: Implementing Title I of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2611-2645) and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/10-101).

- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Persons interested in participating in the proceeding should file a petition to intervene in docket 94-0426.

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Undetermined

- 7) Information concerning the regulatory agenda shall be directed to:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
(217) 782-7434

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rule will not affect any small businesses, small municipalities, or not for profit corporations.

ILLINOIS COMMERCE COMMISSION

REGULATORY AGENDA

7) Information concerning the regulatory agenda shall be directed to:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
(217) 782-7434

8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? These amendments will affect those telecommunications carriers that are also small business.

ILLINOIS COMMERCE COMMISSION

REGULATORY AGENDA

1) Heading of the Part: Interconnection2) Code Citation: 83 Ill. Adm. Code 7903) A description of the rule(s): The Commission is currently examining possible amendments to Part 790 in two separate proceedings.

On April 6, 1994, the Commission adopted 83 Ill. Adm. Code 790, "Interconnection," which contains rules for local exchange telecommunications carriers and others, providing in part for physical collocation (as defined) in the absence of an agreement between the local exchange carrier and the interconnector. On June 10, 1994, the U.S. Court of Appeals for the District of Columbia Circuit set aside the rules of the Federal Communications Commission ("FCC"), which, inter alia, provided for physical collocation as the preferred method in interstate telephonic interconnections. Since that judicial ruling, the FCC has published new rules, adopting virtual collocation as the method of interconnection for the interstate telecommunications system. The FCC rules adopting virtual collocation and the Commission rules adopting physical collocation create an apparently inconsistent dual system between the interstate and the intrastate jurisdictions for regulating these types of interconnections. The Commission initiated Docket 94-0480 to determine whether the Commission's existing rules in Part 790 requiring physical collocation in the absence of an agreement between a local exchange carrier and an interconnector and requiring that local exchange carriers file tariffs so providing should be amended.

In docket 94-0049, the Commission is considering rules on line-side interconnection and reciprocal interconnection. Line-side interconnection would permit other telecommunications carriers and possibly end-users to interconnect to the line-side of the switch. Switched access and special access interconnection permit interconnection to the trunk side of the switch. Switched access interconnection unbundles the transport function from the switching function. Line-side interconnection would unbundle the distribution function from the switching function.

4) Statutory Authority: Implementing Sections 8-501, 8-502, 8-503, 8-504, 8-506, 13-505.1 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/-8-501, 8-502, 8-503, 8-504, 8-506, 13-505.1 and 10-101].5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Persons interested in participating in either proceeding should file a petition to intervene in docket 94-0480 or docket 94-0049.6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Undetermined

ILLINOIS COMMERCE COMMISSION

REGULATORY AGENDA

- 1) Heading of the Part: Least-Cost Planning for Electric Utilities

- 2) Code Citation: 83 Ill. Adm. Code 440

- 3) A description of the rule(s): The Commission is considering amendments to Part 440 in three separate proceedings.

In docket 92-0193, the Commission is considering whether the approval of a least-cost plan should be afforded prima facie evidentiary weight in determining the prudence of actions and investments commenced pursuant to such plan.

In docket 92-0192, the Commission is engaged in removing any possible ambiguities in 83 Ill. Adm. Code 440.620, 440.800, and 440.810 concerning environmental costs and objectives.

In docket 92-0145, the Commission is considering the establishment of competitive bidding procedures to be used by electric utilities in purchasing electric power from non-utility generators.

- 4) Statutory Authority: Implementing Sections 8-402 and 9-211 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-402, 9-211 and 10-101].

- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Persons interested in participating in any proceeding should file a petition to intervene in docket 92-0193, 92-0192, and/or 92-0145.

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Undetermined

- 7) Information concerning the regulatory agenda shall be directed to:

Name: Donna M. Caton
Address: Chief Clerk

Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
Telephone: (217) 782-7434

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will not affect any small businesses, small municipalities, or not for profit corporations.

- 9) Other pertinent information concerning this rule (amendment, repealer):

ILLINOIS COMMERCE COMMISSION

REGULATORY AGENDA

- 1) Heading of the Part: Least-Cost Planning for Natural Gas Utilities

- 2) Code Citation: 83 Ill. Adm. Code 535

- 3) A description of the rule(s): This rulemaking will consider whether the approval of a least-cost plan should be afforded prima facie evidentiary weight in determining the prudence of actions and investments commenced pursuant to such plan.

- 4) Statutory Authority: Implementing Sections 8-402 and 9-211 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-402, 9-211 and 10-101].

- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Persons interested in participating in the proceeding should file a petition to intervene in docket 92-0389.

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Undetermined

- 7) Information concerning the regulatory agenda shall be directed to:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
(217) 782-7434

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will not affect any small businesses, small municipalities, or not for profit corporations.

ILLINOIS COMMERCE COMMISSION

REGULATORY AGENDA

- 1) Heading of the Part: Pay Telephone Providers
- 2) Code Citation: 83 Ill. Adm. Code 771
- 3) A description of the rule(s): This rulemaking is designed to develop standards of service for customer owned pay telephone providers.
- 4) Statutory Authority: Implementing Sections 13-403 and 13-404 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-403, 13-404 and 10-101].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Persons interested in participating in the proceeding should file a petition to intervene in docket 92-0275.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Undetermined
- 7) Information concerning the regulatory agenda shall be directed to:
 Name: Donna M. Caton
 Address: Chief Clerk
 Illinois Commerce Commission
 527 East Capital Avenue
 Springfield, IL 62706
 Telephone: (217)782-7434
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? These rules will affect those customer owned pay telephone operators that are also small businesses.

ILLINOIS COMMERCE COMMISSION

REGULATORY AGENDA

- 1) Heading of the Part: Presubscription
- 2) Code Citation: 83 Ill. Adm. Code 0015
- 3) A description of the rule(s): This rulemaking will adopt rules relating to Intra-Market Service Area (MSA) presubscription and changes in dialing arrangements relating to the implementing of presubscription. Presently, there are dialing arrangement restrictions on intra-MSA interexchange telecommunications service that permit only the local exchange carrier to use seven digit or 1+ dialing arrangements to originate an intra MSA call. A customer using a telecommunications carrier providing interexchange telecommunications service other than the LEC must dial a carrier-specific access code or additional digits to originate an intra-MSA call. This rulemaking is reviewing the existing arrangements.
- 4) Statutory Authority: Implementing Section 13-403 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-403 and 10-101].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Persons interested in participating in the proceeding should file a petition to intervene in docket 94-0048.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Undetermined
 Donna M. Caton
 Chief Clerk
 Illinois Commerce Commission
 527 East Capital Avenue
 Springfield, IL 62706
 (217) 782-7434
- 7) Information concerning the regulatory agenda shall be directed to:
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? These rules will affect those telecommunications carriers that are also small businesses.

ILLINOIS COMMERCE COMMISSION

REGULATORY AGENDA

- 1) Heading of the Part: Standard Filing Requirements for Electric, Gas, Water and Sewer Utilities and Telecommunications Carriers in Filing for an Increase in Rates
- 2) Code Citation: 83 Ill. Adm. Code 285
- 3) A description of the rule(s): This rulemaking proceeding is examining the required data that must be filed with the Commission when any of the subject entities files a general rate increase. This material is reviewed by Commission staff in preparation of the rate case.
- 4) Statutory Authority: Implementing Sections 9-201 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-201 and 10-101].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Persons interested in participating in the proceeding should file a petition to intervene in docket 93-0351.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Undetermined
- 7) Information concerning the regulatory agenda shall be directed to:

Name: Donna Caton
Address: Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
Telephone: (217)782-7434
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will affect any subject utilities or local exchange telecommunications carriers that are also small businesses.
- 9) Other pertinent information concerning this rule (amendment, repealer):

ILLINOIS COMMERCE COMMISSION

REGULATORY AGENDA

- 1) Heading of the Part: Standards of Service Applicable to 9-1-1 Emergency Systems (General Order 207)
- 2) Code Citation: 83 Ill. Adm. Code 725
- 3) A description of the rule(s): This rulemaking will revise the 9-1-1 rules to reflect amendments to the underlying statutory authority and to reflect changes in the telecommunications industry.
- 4) Statutory Authority: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Persons interested in participating in the proceeding should file a petition to intervene in docket 93-0037.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: May 1, 1995
- 7) Information concerning the regulatory agenda shall be directed to:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
(217) 782-7434
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? These rules will affect small municipalities

ILLINOIS COMMERCE COMMISSION

REGULATORY AGENDA

- 1) Heading of the Part: Telecommunications Access for the Hearing and Voice Impaired
- 2) Code Citation: 83 Ill. Adm. Code 755
- 3) A description of the rule(s): This rulemaking was initiated to amend Part 755 to reflect statutory changes to Section 13-703 of the Public Utilities Act. The rulemaking will also conform to the language of Part 755 with the requirements of the Americans With Disabilities Act of 1990.
- 4) Statutory Authority: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/13-703 and 10-101).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Persons interested in participating in the proceeding should file a petition to intervene in docket 93-0391.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Undetermined
- 7) Information concerning the regulatory agenda shall be directed to:
 Name: Donna M. Caton
 Address: Chief Clerk
 Illinois Commerce Commission
 527 East Capitol Avenue
 Springfield, IL 62706
 Telephone: (217) 782-7434
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? These amendments will affect those local exchange carriers that are also small businesses. It will also affect any not for profit corporations that may qualify for equipment sets distributed by the program.

DEPARTMENT OF CONSERVATION

REGULATORY AGENDA

- 1) Heading of the Part: Camping on Department of Conservation Properties
- 2) Code Citation: 17 Ill. Adm. Code 130
- 3) A description of the rules: Rules governing camping on properties managed by the Department of Conservation
- 4) Statutory authority: Implementing and authorized by Sections 1, 4(1), and 4(5) of the State Parks Act [20 ILCS 835/1, 4(1) and 4(5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the index department a notice of proposed amendments for publication in the Illinois Register: February 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Jack Price
 Department of Conservation
 524 S. Second Street, Room 430
 Springfield, IL 62701-1787
 217/782-1809
- 8) Will these amendments affect small businesses, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF CONSERVATION

REGULATORY AGENDA

- 1) Heading of the Part: Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting
- 2) Code Citation: 17 Ill. Adm. Code 530
- 3) A description of the rules: Department's regulations governing the hunting of cock pheasant, hungarian partridge, bobwhite quail and rabbit hunting
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: March 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Jack Price
 Department of Conservation
 524 S. Second Street, Room 430
 Springfield, IL 62701-1787
 217/782-1809
- 8) Will these amendments affect small businesses, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF CONSERVATION

REGULATORY AGENDA

- 1) Heading of the Part: Crow, Woodcock, Snipe, Rail and Teal Hunting
- 2) Code Citation: 17 Ill. Adm. Code 740
- 3) A description of the rule(s): Department's rules governing the hunting of crow, woodcock, snipe, rail and teal
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: March 1995
- 7) Information concerning this Regulatory Agenda shall be directed to:
 Jack Price
 Department of Conservation
 524 S. Second Street, Room 430
 Springfield, IL 62701-1787
 217/782-1809
- 8) Will these amendments affect small businesses, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF CONSERVATION

REGULATORY AGENDA

- 1) Heading of the Part: Department Formal Hearings Conducted for Rulemaking and Contested Cases
- 2) Code Citation: 17 Ill. Adm. Code 2530
- 3) A description of the rule(s): These rules govern the practices and procedures related to formal hearings conducted under the jurisdiction of the Department of Conservation, including but not limited to, hearings conducted for rulemaking, contested cases and revocation of licenses.
- 4) Statutory Authority: Implementing and authorized by Section 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/20-105], Section 3.36 of the Wildlife Code [520 ILCS 5/3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 10/5], Section 3B-8 Of the Boat Registration and Safety Act [625 ILCS 45/3B-8] and the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16], Section 1-125 of the Fish and Aquatic Life Code [515 ILCS 5/1-125], and Section 1.4 of the Wildlife Code [520 ILCS 5/1.4].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register:
- 7) Information concerning this Regulatory Agenda shall be directed to:

Jack Price
 Department of Conservation
 524 S. Second Street, Room 430
 Springfield, IL 62701-1787
 217/782-1809
- 8) Will these amendments affect small businesses, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF CONSERVATION

REGULATORY AGENDA

- 1) Heading of the Part: Dog Training on Department-Owned or - Managed Sites
- 2) Code Citation: 17 Ill. Adm. Code 950
- 3) A description of the rules: Department's rules governing dog training on Department-owned or -managed sites
- 4) Statutory Authority: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: March 1995
- 7) Information concerning this Regulatory Agenda shall be Directed to:

Jack Price
 Department of Conservation
 524 S. Second Street, Room 430
 Springfield, IL 62701-1787
 217/782-1809
- 8) Will these amendments affect small businesses, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF CONSERVATION

REGULATORY AGENDA

- 1) Heading of the Part: Duck, Goose and Coot Hunting
- 2) Code Citation: 17 Ill. Adm. Code 590
- 3) A description of the rules: Department's rules governing the hunting of duck, goose and coot
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: March 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809
- 8) Will these amendments affect small businesses, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF CONSERVATION

REGULATORY AGENDA

- 1) Heading of the Part: Dove Hunting
- 2) Code Citation: 17 Ill. Adm. Code 730
- 3) A description of the rule(s): Department's rules governing dove hunting
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: March 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809
- 8) Will these amendments affect small businesses, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF CONSERVATION

REGULATORY AGENDA

- 1) Heading of the Part: General Hunting and Trapping on Department-Owned or -Managed Sites
- 2) Code Citation: 17 Ill. Adm. Code 510
- 3) A Description of the rule(s): Department's rules on general site regulations and hunting and trapping by special permit
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 63a28 of The Civil Administrative Code of Illinois [20 ILCS 805/63a28].
- 5) Schedule of Dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: March 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Jack Price
 Department of Conservation
 524 S. Second Street, Room 430
 Springfield, IL 62701-1787
 217/782-1809
- 8) Will this rule (amendment, repealer) affect small businesses, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF CONSERVATION

REGULATORY AGENDA

- 1) Heading of the Part: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping
- 2) Code Citation: 17 Ill. Adm. Code 570
- 3) A Description of the rule(s): Department's regulations governing the trapping of muskrat, mink, raccoon, opossum, striped skunk, weasel, red fox, gray fox, coyote, beaver and woodchuck (groundhog).
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: March 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Jack Price
 Department of Conservation
 524 S. Second Street, Room 430
 Springfield, IL 62701-1787
 217/782-1809
- 8) Will these amendments affect small businesses, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF CONSERVATION

REGULATORY AGENDA

- 1) Heading of the Part: Operation of Watercraft Carrying Passengers for the Illinois Waters of Lake Michigan
- 2) Code Citation: 17 Ill. Adm. Code 2080
- 3) A description of the rule(s): New Part outlining the Department's rules regarding operation of watercraft carrying passengers for hire on the Illinois waters of Lake Michigan
- 4) Statutory Authority: Implementing and authorized by Section 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/20-105], Section 3.36 of the Wildlife Code [520 ILCS 5/3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 10/5], Section 3B-8 Of the Boat Registration and Safety Act [625 ILCS 45/3B-8] and the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16], Section 1-125 of the Fish and Aquatic Life Code [515 ILCS 5/1-125], and Section 1.4 of the Wildlife Code [520 ILCS 5/1.4].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participations: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: February 1995
- 7) Information concerning this Regulatory Agenda shall be directed to:

Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809
- 8) Will these amendments affect small businesses, small municipalities or not for profit corporations? Yes
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF CONSERVATION

REGULATORY AGENDA

- 1) Heading of the Part: Public Use of State Parks and Other Properties of the Department of Conservation
- 2) Code Citation: 17 Ill. Adm. Code 110
- 3) A description of the rule(s): Rules governing public use of properties under the jurisdiction of the Department of Conservation
- 4) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8]; and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4, 6]; and by Section 5 of the State Parks Designation Act [20 ILCS 840/5]; and by Sections 63a, 63all, 63a15, 63a18, 63a21.1 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a, 63all, 63a15, 63a18, 63a21.1 and 63a28].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: February 1995
- 7) Information concerning the regulatory agenda shall be directed to:

Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809
- 8) Will this (amendment, repeal) affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this rule (amendment, repeal): None

DEPARTMENT OF CONSERVATION

REGULATORY AGENDA

- 1) Heading of the Part: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting
- 2) Code Citation: 17 Ill. Adm. Code 550
- 3) A description of the rule(s): Department's regulations governing the hunting of raccoon, opossum, striped skunk, red fox, gray fox, coyote and woodchuck (groundhog) hunting.
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: March 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Jack Price
 Department of Conservation
 524 S. Second Street, Room 430
 Springfield, IL 62701-1787
 217/782-1809
- 8) Will these amendments affect small businesses, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF CONSERVATION

REGULATORY AGENDA

- 1) Heading of the Part: Squirrel Hunting
- 2) Code Citation: 17 Ill. Adm. Code 690
- 3) A description of the rules: Department's rules governing squirrel hunting
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: March 1995
- 7) Information concerning this Regulatory Agenda shall be directed to:

Jack Price
 Department of Conservation
 524 S. Second Street, Room 430
 Springfield, IL 62701-1787
 (217) 782-1809
- 8) Will these amendments affect small businesses, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF CONSERVATION
REGULATORY AGENDA

- 1) Heading of the Part: The Taking of Wild Turkeys - Fall Gun Season
- 2) Code Citation: 17 Ill. Adm. Code 715
- 3) A description of the rules: Department's rules governing the taking of wild turkeys - fall gun season
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: March 1995
- 7) Information concerning this Regulatory Agenda shall be directed to:
Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809
- 8) Will these amendments affect small businesses, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF CONSERVATION
REGULATORY AGENDA

- 1) Heading of the Part: The Taking of Wild Turkeys - Fall Archery Season
- 2) Code Citation: 17 Ill. Adm. Code 720
- 3) A description of the rules: Department's rules governing the taking of wild turkeys - fall archery season
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: March 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809
- 8) Will these amendments affect small businesses, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF CONSERVATION

REGULATORY AGENDA

- 1) Heading of the Part: White-Tailed Deer Hunting by Use of Bow and Arrow
- 2) Code Citation: 17 Ill. Adm. Code 670
- 3) A Description of the Rules: Department's rules governing the hunting of white-tailed deer by use of bow and arrow
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 1995
- 7) Information concerning this Regulatory Agenda shall be directed to:

Jack Price
 Department of Conservation
 524 S. Second Street, Room 430
 Springfield, IL 62701-1787
 217/782-1809
- 8) Will these amendments affect small businesses, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF CONSERVATION

REGULATORY AGENDA

- 1) Heading of the Part: White-Tailed Deer Hunting by Use of Firearms
- 2) Code Citation: 17 Ill. Adm. Code 650
- 3) A description of the rule(s): Department's rules governing the hunting of white-tailed deer by use of firearms
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Jack Price
 Department of Conservation
 524 S. Second Street, Room 430
 Springfield, IL 62701-1787
 217/782-1809
- 8) Will these amendments affect small businesses, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF CONSERVATION

REGULATORY AGENDA

- 1) Heading of the Part: White-Tailed Deer Hunting Season by Use of Handguns
- 2) Code Citation: 17 Ill. Adm. Code 680
- 3) A description of the rules: Department's rules governing the hunting of white-tailed deer by use of handguns
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: March 1995
- 7) Information concerning this Regulatory Agenda shall be directed to:

Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809
- 8) Will these amendments affect small businesses, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF CONSERVATION

REGULATORY AGENDA

- 1) Heading of the Part: White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles
- 2) Code Citation: 17 Ill. Adm. Code 660
- 3) A description of the rules: Department's rules governing the hunting of white-tailed deer by use of muzzleloading rifles
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809
- 8) Will these amendments affect small businesses, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

STATE BOARD OF EDUCATION

REGULATORY AGENDA

- 1) Heading of the Part: Building Specifications for Health and Safety in Public Schools
- 2) Code Citation: 23 Ill. Adm. Code 185
- 3) A description of the rule(s): Repeal of rules which have been replaced by a new Part of 23 Ill. Adm. Code 180 (Health/Life Safety Code for Public Schools).
- 4) Statutory Authority: 105 ILCS 5/2-3.12
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation:
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Repeal for publication in the Illinois Register: May 31, 1995.
- 7) Information concerning this regulatory agenda shall be directed to:
 Sally Vogl
 Agency Rules Coordinator
 Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777
 (217) 782-0541
- 8) Will this repealer affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this repealer:

STATE BOARD OF EDUCATION

REGULATORY AGENDA

- 1) Heading of the Part: Certification
- 2) Code Citation: 23 Ill. Adm. Code 25
- 3) A description of the rule(s): Rules for provisional certificates and the Illinois Teacher Corps in response to P.A. 88-204;
 Modifications to the provisions for teacher education program approval regarding student rights and responsibilities and the length of the program review cycle:
 Standards for social workers, as developed by the State Teacher Certification Board and recommended to the State Board of Education; and
 Addition of an endorsement fee pursuant to P.A. 88-224.
- 4) Statutory Authority: 105 ILCS 5/21-10; 21-11.4; 21-21; and 2-3.6.
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation:
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: March 31, 1995.
- 7) Information concerning the regulatory agenda shall be directed to:
 Name: Sally Vogl
 Address: Agency Rules Coordinator
 Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777
 Telephone: (217) 782-0541
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this rule (amendment, repealer):

STATE BOARD OF EDUCATION
REGULATORY AGENDA

- 1) Heading of the Part: Driver Education
- 2) Code Citation: 23 Ill. Adm. Code 252
- 3) A description of the rule(s): Revisions regarding student eligibility, pursuant to P.A. 88-628.
- 4) Statutory Authority: 105 ILCS 27-23 and 27-24 et seq.
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation:
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: May 31, 1995.
- 7) Information concerning the regulatory agenda shall be directed to:

Name: Sally Vogl
Address: Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-0541

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Yes.
- 9) Other pertinent information concerning this amendment:

STATE BOARD OF EDUCATION
REGULATORY AGENDA

- 1) Heading of the Part: Disadvantaged Students Funds Plan - Districts Over 50,000 ADA
- 2) Code Citation: 23 Ill. Adm. Code 202
- 3) A description of the rule(s): Procedural amendments made necessary by enactment of P.A. 88-641 calling for the direct electronic transfer of funds.
- 4) Statutory Authority: 105 ILCS 5/18-8(A)(5)(i)(1)
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation:
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendment for publication in the Illinois Register: July 15, 1995.
- 7) Information concerning this regulatory agenda shall be directed to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-0541

- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this amendment:

STATE BOARD OF EDUCATION

REGULATORY AGENDA

- 1) Heading of the Part: Educational Service Centers
- 2) Code Citation: 23 Ill. Adm. Code 500
- 3) A description of the rule(s): Repeal of rules superseded by a new Part at 23 Ill. Adm. Code 525 (Regional Oversight Boards and Intermediate Services).
- 4) Statutory Authority: 105 ILCS 5/2-3.62
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation:
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Repealer for publication in the Illinois Register: April 15, 1995.
- 7) Information concerning this regulatory agenda shall be directed to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-0541
- 8) Will this repealer affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this repealer:

STATE BOARD OF EDUCATION

REGULATORY AGENDA

- 1) Heading of the Part: Efficient and Adequate Standards for the Building Specifications for the Construction of Schools
- 2) Code Citation: 23 Ill. Adm. Code 175
- 3) A description of the rule(s): Repeal of rules which have been replaced by a new Part at 23 Ill. Adm. Code 180 (Health/Life Safety Code for Public Schools).
- 4) Statutory Authority: 105 ILCS 5/2-3.12
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation:
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: May 31, 1995.
- 7) Information concerning the regulatory agenda shall be directed to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-0541
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer):

STATE BOARD OF EDUCATION

REGULATORY AGENDA

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) A description of the rule(s): New standards for teachers of foreign languages and middle school teachers, as developed by the State Teacher Certification Board and recommended to the State Board of Education.
- 4) Statutory Authority: 105 ILCS 2-3.6
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation:
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: March 31, 1995.

7) Information concerning the regulatory agenda shall be directed to:

Name: Sally Vogl

Address: Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-0541

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this rule (amendment, repealer):

STATE BOARD OF EDUCATION

REGULATORY AGENDA

- 1) Heading of the Part: Electronic Transfer of Funds
- 2) Code Citation: 23 Ill. Adm. Code 155
- 3) A description of the rule(s): New rules for the direct, electronic transmission of funds by the State Board to school districts and other payees, as called for by P.A. 88-641.
- 4) Statutory Authority: 105 ILCS 5/2-3.116
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation:
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: July 15, 1995.

7) Information concerning the regulatory agenda shall be directed to:

Sally Vogl

Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-0541

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer):

STATE BOARD OF EDUCATION

REGULATORY AGENDA

- 1) Heading of the Part: Pupil Transportation
- 2) Code Citation: 23 Ill. Adm. Code 275
- 3) A description of the rule(s): Deletion of provisions regarding certification and training of bus drivers, as these responsibilities are transferred to the Secretary of State pursuant to P.A. 88-612.
- 4) Statutory Authority: 625 ILCS 5/6-106.1
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation:
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: May 31, 1995.
- 7) Information concerning the regulatory agenda shall be directed to:

Name: Sally Vogl
Address: Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-0541
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer):

STATE BOARD OF EDUCATION

REGULATORY AGENDA

- 1) Heading of the Part: Truants' Alternative and Optional Education Programs
- 2) Code Citation: 23 Ill. Adm. Code 205
- 3) A description of the rule(s): Revisions in various application requirements, designed to simplify the preparation of applicants.
- 4) Statutory Authority: 105 ILCS 5/2-3.66
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation:
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: June 30, 1995.
- 7) Information concerning the regulatory agenda shall be directed to:

Name: Sally Vogl
Address: Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-0541
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this amendment:

STATE BOARD OF EDUCATION

REGULATORY AGENDA

- 1) Heading of the Part: Urban Education Partnership Program
- 2) Code Citation: 23 Ill. Adm. Code 245
- 3) A description of the rule(s): Amendment making additional entities eligible for implementation grants under the Urban Education Partnership Program.
- 4) Statutory Authority: 105 ILCS 2/3-101
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation:
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendment for publication in the Illinois Register: April 30, 1995.
- 7) Information concerning this regulatory agenda shall be directed to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-0541
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this amendment:

STATE BOARD OF EDUCATION

REGULATORY AGENDA

- 1) Heading of the Part: Vocational Education
- 2) Code Citation: 23 Ill. Adm. Code 254
- 3) A description of the rule(s): New rules, accompanied by repeal of existing rules, to conform to federal regulations regarding the vocational education program.
- 4) Statutory Authority: 105 ILCS 435/2
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation:
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: September 30, 1995.
- 7) Information concerning the regulatory agenda shall be directed to:

Name: Sally Vogl
Address: Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-0541
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer):

HISTORIC PRESERVATION AGENCY

REGULATORY AGENDA

- 1) Heading of the Part: Rules Implementing "The Archaeological and Paleontological Resources Protection Act"
- 2) Code Citation: 17 Ill. Adm. Code 4190
- 3) A description of the rule(s): Administrative regulations are being developed in relation to persons wishing to explore, excavate or collect archaeological or paleontological resources located on public lands.
- 4) Statutory Authority: "The Archaeological and Paleontological Resources Protection Act" (20 ILCS 3435).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: No hearings are planned; however, persons wishing to receive a draft copy of these regulations when ready or wishing to provide information pertaining to the rulemaking may do so by contacting the person listed in 7 below.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules for publication in the Illinois Register: While a specific date for submitting a notice of proposed rulemaking activity is not yet known, it is the Agency's desire to submit such a notice during the summer of 1995.
- 7) Information concerning this regulatory agenda shall be directed to:
 Name: William L. Wheeler
 Address: 500 East Madison, Springfield, IL 62701
 Telephone: 217/785-9045 Fax: 217/524-7525
- 8) Will this rule affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule: None.

ILLINOIS INDUSTRIAL COMMISSION

REGULATORY AGENDA

- 1) Heading of the Part: Arbitration
- 2) Code Citation: 50 Ill. Adm. Code 7030
- 3) A description of the rule(s): The Industrial Commission is considering proposing amendments to Part 7030 which include, but may not be limited to, Section 7030.10 regarding arbitration assignments and Section 7030.30 regarding disqualification of commissioners and arbitrators.
- 4) Statutory Authority: [820 ILCS 305/19 and 16]
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: No dates have been set.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: No date has been set.
- 7) Information concerning the regulatory agenda shall be directed to:
 Name: Kathryn A. Kelley
 Illinois Industrial Commission
 Address: 100 West Randolph, Suite 8-272
 Chicago, Illinois 60601
 Telephone: (312)814-6559
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? The amendments would affect all parties, including small businesses, small municipalities and not for profit corporations, to cases before the Industrial Commission. Most parties are represented by attorneys.
- 9) Other pertinent information concerning this amendment: None

ILLINOIS INDUSTRIAL COMMISSION

REGULATORY AGENDA

- 1) Heading of the Part: Insurance Regulations
- 2) Code Citation: 50 Ill. Adm. Code 7100
- 3) A description of the rule(s): The Industrial Commission is considering reviewing Section 7100.70, Requirements for Approval as a Self-Insurer, and proposing amendments to the current requirements.
- 4) Statutory Authority: [820 ILCS 305/19 and 16]
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: No dates have been set.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: No date has been set.
- 7) Information concerning the regulatory agenda shall be directed to:
 Janet Kirby
 Illinois Industrial Commission
 701 South Second Street
 Springfield, Illinois 62704
 (217) 785-7084
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? The amendments would affect all employers, including not for profit corporations, who wish to qualify for the privilege of self-insurance. Municipalities are not required to seek approval from the Industrial Commission to self-insure.
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF INSURANCE

REGULATORY AGENDA

- 1) Heading of the Part: Annual Audited Financial Report
- 2) Code Citation: 50 Ill. Adm. Code 925
- 3) A description of the amendments: Part 925 will be amended to incorporate standards for foreign, alien and limited health maintenance organizations.
- 4) Statutory Authority: [215 ILCS 5/132.1, 136, 401 and 402] also [215 ILCS 125/2-7] and [215 ILCS 130/2007]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Name: Denise Fuchs, Paralegal
 Address: Department of Insurance
 320 West Washington Street
 Springfield, Illinois 62767
 Telephone: (217) 785-8560
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this amendment:

DEPARTMENT OF INSURANCE

REGULATORY AGENDA

- 1) Heading of the Part: Cost Containment Form and Data Reporting Requirements
- 2) Code Citation: 50 Ill. Adm. Code 6602
- 3) A description of the amendments: The Department will be amending Part 6602 at the request of the insurance industry. We will be making changes to improve the accuracy of filings made and we will further clarify the reporting requirements to achieve consistent filings.
- 4) Statutory Authority: [215 ILCS 5/1204]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: March, 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Name: Denise Fuchs, Paralegal
Address: Department of Insurance
320 West Washington Street
Springfield, Illinois 62767
Telephone: (217) 785-8560
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this amendment:

DEPARTMENT OF INSURANCE

REGULATORY AGENDA

- 1) Heading of the Part: Creditable Service
- 2) Code Citation: 50 Ill. Adm. Code 0007
- 3) A description of the rule: The Department will be defining what "creditable service" is. This rule will set standards for determining when and if contributions are due pursuant to the definition of creditable service, and will thereby allow pension funds to determine eligibility and calculate the appropriate pension benefits due.
- 4) Statutory Authority: [40 ILCS 3/110] and [40 ILCS 5/4-108]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rule for publication in the Illinois Register: July, 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Name: Denise Fuchs, Paralegal
Address: Department of Insurance
320 West Washington Street
Springfield, Illinois 62767
Telephone: (217) 785-8560
- 8) Will this rule affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule:

DEPARTMENT OF INSURANCE

REGULATORY AGENDA

- 1) Heading of the Part: Credit Accident and Health Insurance Rules
- 2) Code Citation: 50 Ill. Adm. Code 952
- 3) A description of the amendments: The Department will be amending Part 952 to add new filing requirements.
- 4) Statutory Authority: [215 ILCS 5/155.8 and 155.62]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: June, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Name: Denise Fuchs, Paralegal
 Address: Department of Insurance
 320 West Washington Street
 Springfield, Illinois 62767
 Telephone: (217) 785-8560
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this amendment:

DEPARTMENT OF INSURANCE

REGULATORY AGENDA

- 1) Heading of the Part: Definition of Salary
- 2) Code Citation: 50 Ill. Adm. Code 6302
- 3) A description of the amendment: The Department will be amending Part 6302 to further clarify the definition of salary for purposes of determining pension contribution and calculating pension benefits.
- 4) Statutory Authority: [40 ILCS 5/22-501.1]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendment for publication in the Illinois Register: July, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Name: Denise Fuchs, Paralegal
 Address: Department of Insurance
 320 West Washington Street
 Springfield, Illinois 62767
 Telephone: (217) 785-8560
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this amendment:

DEPARTMENT OF INSURANCE

REGULATORY AGENDA

- 1) Heading of the Part: Filing Policy and Endorsements Form
- 2) Code Citation: 50 Ill. Adm. Code 753
- 3) A description of the amendment: The Department will amend Part 753 to accommodate changes in procedure to computerize policy form filings, evaluate feasibility of electronic filings and include filing fees.
- 4) Statutory Authority: [215 ILCS 5/143 and 401]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: July, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Name: Denise Fuchs, Paralegal
 Address: Department of Insurance
 320 West Washington Street
 Springfield, Illinois 62767
 Telephone: (217) 785-8560
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this amendment:

DEPARTMENT OF INSURANCE

REGULATORY AGENDA

- 1) Heading of the Part: Foreign and Alien Insurer Annual Audited Financial Reports
- 2) Code Citation: 50 Ill. Adm. Code 601
- 3) A description of the repealer: Part 601 set standards for foreign and alien insurers to file their annual audited financial reports. This Part will be repealed, but the standards for foreign and alien insurers will be incorporated into Part 925 instead.
- 4) Statutory Authority: [215 ILCS 5/136 and 401]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Repealer for publication in the Illinois Register: January, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Name: Denise Fuchs, Paralegal
 Address: Department of Insurance
 320 West Washington Street
 Springfield, Illinois 62767
 Telephone: (217) 785-8560
- 8) Will this repealer affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this repealer:

DEPARTMENT OF INSURANCE

REGULATORY AGENDA

- 1) Heading of the Part: Health Maintenance Organization
- 2) Code Citation: 50 Ill. Adm. Code 6101
- 3) A description of the amendments: Establishes minimum coverage standards for basic health care services, full and fair disclosure of health care services provided by group contracts or evidences of coverage including coordination of benefits, conversion, cancellation, termination, deductibles and copayments, pre-existing conditions and other provisions to carry out the HMO Act.
- 4) Statutory Authority: [215 ILCS 125/5-2 and 215 ILCS/5-7]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: No scheduled hearings.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: February 28, 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Denise Fuchs, Paralegal	Mary Petersen
Department of Insurance	Department of Insurance
320 W. Washington St.	320 W. Washington St.
(or)	(or)
Springfield, IL 62767	Springfield, IL 62767
(217) 785-8560	(217) 524-4051
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? Yes, non-profit HMOs and small businesses desiring to purchase HMO products.
- 9) Other pertinent information concerning this amendment: These revisions are primarily financial in nature. However, a few changes are being made to the consumer sections which have caused confusion since the last revision.

DEPARTMENT OF INSURANCE

REGULATORY AGENDA

- 1) Heading of the Part: Credit for Reinsurance Ceded
- 2) Code Citation: 50 Ill. Adm. Code 1102
- 3) A description of the amendment: The purpose of this Part is to implement Sections 173 and 173.1 of the Illinois Insurance Code. These Sections authorize domestic insurance companies to receive credit for reserves on ceded risks, to the extent reinsured in accordance with Section 173.1. The rule will be amended to adopt new criteria which are consistent with Section 173.1 as amended by P.A. 87-108.
- 4) Statutory Authority: [215 ILCS 5/401]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: March 31, 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Denise Fuchs, Paralegal	Cynthia J. Stephenson
Department of Insurance	Department of Insurance
320 W. Washington St.	320 W. Washington St.
(or)	(or)
Springfield, IL 62767	Springfield, IL 62767
(217) 785-8560	(217) 782-1785
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? This rule will affect not-for-profit Health Maintenance Organizations. It will not affect small business or small municipalities.
- 9) Other pertinent information concerning this amendment:

DEPARTMENT OF INSURANCE
REGULATORY AGENDA

- 1) Heading of the Part: License, Documents Necessary to Engage in Activities and Examinations
- 2) Code Citation: 50 Ill. Adm. Code 752
- 3) A description of the amendments: The Department will amend Part 752 to include a filing fee for joint underwriters and joint reinsurers and require the filing of their policy forms.
- 4) Statutory Authority: [215 ILCS 5/401]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: July, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Name: Denise Fuchs, Paralegal
Address: Department of Insurance
320 West Washington Street
Springfield, Illinois 62767
Telephone: (217) 785-8560
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this amendment:

DEPARTMENT OF INSURANCE
REGULATORY AGENDA

- 1) Heading of the Part: Limited Health Service Organization
- 2) Code Citation: 50 Ill. Adm. Code 0008
- 3) A description of the rule: Establishes specific standards, including standards for the full and fair disclosure of limited health services provided by group contracts and evidences of coverage, which include but are not limited to, coordination of benefits, conversion, cancellation and termination and other provisions to carry out the Act.
- 4) Statutory Authority: [215 ILCS 130/4007]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: No scheduled hearings.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules for publication in the Illinois Register: June, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Denise Fuchs, Paralegal
Department of Insurance
320 W. Washington St.
Springfield, IL 62767
(217) 785-8560
Yvonne Clearwater
Department of Insurance
320 W. Washington St.
Springfield, IL 62767
(217) 524-0194
- 8) Will this rule affect small business, small municipalities or not for profit corporations? Yes, non-profit LHSOs and small businesses who would purchase LHSO coverage.
- 9) Other pertinent information concerning this rule:

DEPARTMENT OF INSURANCE

REGULATORY AGENDA

- 1) Heading of the Part: Long-Term Care Partnership Insurance
- 2) Code Citation: 50 Ill. Adm. Code 2018
- 3) A description of the amendments: Part 2018 will be amended to clarify the continuing education requirements for insurance producers in addition to clarifying a few other provisions found in this rule.
- 4) Statutory Authority: [215 ILCS 5/401] and [320 ILCS 35]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: February, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Name: Denise Fuchs, Paralegal
 Address: Department of Insurance
 320 West Washington Street
 Springfield, Illinois 62767
 Telephone: (217) 785-8560
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this amendment:

DEPARTMENT OF INSURANCE

REGULATORY AGENDA

- 1) Heading of the Part: Loss Reserve Discounting
- 2) Code Citation: 50 Ill. Adm. Code 0009
- 3) A description of the rule: The purpose of this Part is to set forth standards which must be attained by domestic companies authorized to transact the kinds of insurance described in Classes 2 and 3 of Section 4 of the Insurance Code prior to the Director allowing the use of nontabular reserve discounting.
- 4) Statutory Authority: [215 ILCS 5/136, 5/401]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules for publication in the Illinois Register: April, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Denise Fuchs, Paralegal
 Department of Insurance
 320 W. Washington St. (or)
 Springfield, IL 62767
 (217) 785-8560
 Cynthia J. Stephenson
 Department of Insurance
 320 W. Washington St.
 Springfield, IL 62767
 (217) 782-1785
- 8) Will this rule affect small business, small municipalities or not for profit corporations? This rule will not affect small business, small municipalities or not-for-profit corporations.
- 9) Other pertinent information concerning this rule:

DEPARTMENT OF INSURANCE
REGULATORY AGENDA

- 1) Heading of the Part: Managing General Agents
- 2) Code Citation: 50 Ill. Adm. Code 0010
- 3) A description of the rule: The purpose of this Part will be to establish criteria regarding the extent to which domestic insurance companies' books, records, operations, and employees must be physically located in Illinois pursuant to Sections 133(2) of the Insurance Code in order to qualify for Illinois privilege tax exemption as a domestic insurance company.
- 4) Statutory Authority: [215 ILCS 5/401]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules for publication in the Illinois Register: April, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Denise Fuchs, Paralegal
Department of Insurance
320 W. Washington St. (or)
Springfield, IL 62767
(217) 785-8560
- 8) Will this rule affect small business, small municipalities or not for profit corporations? This rule will not affect small business, small municipalities or not-for-profit corporations.
- 9) Other pertinent information concerning this rule:

DEPARTMENT OF INSURANCE
REGULATORY AGENDA

- 1) Heading of the Part: Minimum Standards of Individual Accident and Health Insurance
- 2) Code Citation: 50 Ill. Adm. Code 2007
- 3) A description of the amendments: The Department will be amending Part 2007 to add language concerning specified disease limitations and allow for specific exclusions which are not currently in the rule.
- 4) Statutory Authority: [215 ILCS 5/355a]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: June, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Name: Denise Fuchs, Paralegal
Address: Department of Insurance
320 West Washington Street
Springfield, Illinois 62767
Telephone: (217) 785-8560
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this amendment:

DEPARTMENT OF INSURANCE

REGULATORY AGENDA

- 1) Heading of the Part: Modified Guaranteed Annuity
- 2) Code Citation: 50 Ill. Adm. Code 0012
- 3) A description of the rule: The Department will be promulgating a new rule to define what qualifies as a modified guaranteed annuity.
- 4) Statutory Authority: [215 ILCS 5/401]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules for publication in the Illinois Register: June, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Name: Denise Fuchs, Paralegal
Address: Department of Insurance
320 West Washington Street
Springfield, Illinois 62767
Telephone: (217) 785-8560
- 8) Will this rule affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule:

DEPARTMENT OF INSURANCE

REGULATORY AGENDA

- 1) Heading of the Part: Pension and Examination Procedure
- 2) Code Citation: 50 Ill. Adm. Code 6301
- 3) A description of the amendments: The Department will be amending Part 6301 to further clarify our intent.
- 4) Statutory Authority: [40 ILCS 5/22-501.1]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: July, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Name: Denise Fuchs, Paralegal
Address: Department of Insurance
320 West Washington Street
Springfield, Illinois 62767
Telephone: (217) 785-8560
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this amendment:

DEPARTMENT OF INSURANCE

REGULATORY AGENDA

- 1) Heading of the Part: Plan of Operation
- 2) Code Citation: 50 Ill. Adm. Code 0011
- 3) A description of the rule: The purpose of this Part is to implement Section 141a of the Illinois Insurance Code. This Part will clarify issues such as the maintenance of fiduciary accounts and audit responsibilities of independent auditors.
- 4) Statutory Authority: [215 ILCS 5/401]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules for publication in the Illinois Register: June, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Denise Fuchs, Paralegal
 Department of Insurance
 320 W. Washington St. (or)
 Springfield, IL 62767
 (217) 785-8560
 Cynthia J. Stephenson
 Department of Insurance
 320 W. Washington St.
 Springfield, IL 62767
 (217) 782-1785
- 8) Will this rule affect small business, small municipalities or not for profit corporations? This rule will not affect small business, small municipalities or not-for-profit corporations.
- 9) Other pertinent information concerning this rule:

DEPARTMENT OF INSURANCE

REGULATORY AGENDA

- 1) Heading of the Part: Preferred Provider Program Administrators
- 2) Code Citation: 50 Ill. Adm. Code 6501
- 3) A description of the amendments: Establishes criteria for registration of preferred provider administrators including minimum solvency requirements and an annual registration fee for each administrator.
- 4) Statutory Authority: [215 ILCS 5/370k]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: No scheduled hearings.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: February 28, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Denise Fuchs, Paralegal
 Department of Insurance
 320 W. Washington St. (or)
 Springfield, IL 62767
 (217) 785-8560
 Mary Petersen
 Department of Insurance
 320 W. Washington St.
 Springfield, IL 62767
 (217) 524-2051
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? Yes, small PPAs and small groups desiring to purchase the PPA products.
- 9) Other pertinent information concerning this amendment: These proposed revisions primarily clarify the registration requirements with regards to accessibility and availability of the preferred provider administrator network.

DEPARTMENT OF INSURANCE

REGULATORY AGENDA

- 1) Heading of the Part: Required Procedure for Filing and Securing Approval of Life Insurance, Annuity and Accident and Health Insurance, Voluntary Health Services Plans, Vision Service Plans, Dental Service Plans, Pharmaceutical Service Plans, Limited Health Service Organizations and Health Maintenance Organizations Policy Forms
- 2) Code Citation: 50 Ill. Adm. Code 916
- 3) A description of the amendment: Policy form filing required for life insurance, annuity, accident and health insurance, Voluntary Health Services Plan, Vision Service Plan, Limited Health Service Organization and Health Maintenance Organization products.
- 4) Statutory Authority: [215 ILCS 5/143]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: No scheduled hearings.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: February 28, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Denise Fuchs, Paralegal
Department of Insurance
320 W. Washington St.
Springfield, IL 62767
(217) 785-8560
(or)
Nancy Simpson
Department of Insurance
320 W. Washington St.
Springfield, IL 62767
(217) 782-1771
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? Yes, non-profit HMOs and service organizations.
- 9) Other pertinent information concerning this amendment: May require future amendments for purposes of electronic filings.

DEPARTMENT OF INSURANCE

REGULATORY AGENDA

- 1) Heading of the Part: Rules and Rate Filings
- 2) Code Citation: 50 Ill. Adm. Code 754
- 3) A description of the amendment: The Department will amend Part 754 to revise Exhibits RF3, RF4 and RF5.
- 4) Statutory Authority: [215 ILCS 5/401]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: July, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Name: Denise Fuchs, Paralegal
Address: Department of Insurance
320 West Washington Street
Springfield, Illinois 62767
Telephone: (217) 785-8560
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this amendment:

DEPARTMENT OF INSURANCE

REGULATORY AGENDA

- 1) Heading of the Part: Surplus Line Business Requirements
- 2) Code Citation: 50 Ill. Adm. Code 2801
- 3) A description of the amendment: The purpose of this Part is to implement Section 445 of the Illinois Insurance Code which sets forth licensing requirements for surplus lines producers that place policies or contracts of insurance with companies not authorized to do business in Illinois. The rule will be amended to reflect the increase (from \$5,000,000 to \$15,000,000) in minimum policyholders surplus required by P.A. 88-627.
- 4) Statutory Authority: [215 ILCS 5/401]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: June, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Denise Fuchs, Paralegal
 Department of Insurance
 320 W. Washington St.
 Springfield, IL 62767
 (217) 782-1785
 Cynthia J. Stephenson
 Department of Insurance
 320 W. Washington St.
 Springfield, IL 62767
 (217) 782-1785
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? This amendment will not affect small business, small municipalities or not-for-profit corporations.
- 9) Other pertinent information concerning this amendment:

DEPARTMENT OF INSURANCE

REGULATORY AGENDA

- 1) Heading of the Part: Valuation of Life Insurance Policies - Rules Including the Introduction and Use of New Select Mortality Factors
- 2) Code Citation: 50 Ill. Adm. Code 1409
- 3) A description of the rule: The purpose of this Part is to implement Section 223(3)(i) of the Illinois Insurance Code which sets forth the minimum standard for the valuation of certain life insurance policies. This Part will provide standards for computing reserves on life insurance policies, including term insurance and term-like universal life policies. The rule will recognize new select mortality factors.
- 4) Statutory Authority: [215 ILCS 5/401]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules for publication in the Illinois Register: June 1, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Denise Fuchs, Paralegal
 Department of Insurance
 320 W. Washington St.
 Springfield, IL 62767
 (217) 785-8560
 Bruce Sartain
 Department of Insurance
 320 W. Washington St.
 Springfield, IL 62767
 (217) 785-0903
- 8) Will this rule affect small business, small municipalities or not for profit corporations? This rule will not affect small business, small municipalities or not-for-profit corporations.
- 9) Other pertinent information concerning this rule: This rule is based on the NAIC Model Regulation. The anticipated effective date for the rule is 1/1/96.

DEPARTMENT OF THE LOTTERY

REGULATORY AGENDA

- 1) Heading of the Part: Lottery (General)
- 2) Code Citation: 11 Ill. Adm. Code 1770
- 3) A description of the rule: The Department of the Lottery anticipates amending Part 1770 to:
 - A) Correct typographical errors.
 - B) Reflect recent legislation regarding limited liability companies and prize payments from Lottery's locally held account.
 - C) Incorporate licensing criteria set forth in Section 10.1 and 10.1(a) of the Illinois Lottery Law.
 - D) Address non-renewal of agent licenses consistent with 11 Ill. Adm. Code 1700.
 - E) Provide for the voluntary surrender of Lottery licenses by agents.
 - F) Update change of ownership procedures.
 - G) Expand lost or stolen ticket procedures.
 - H) Eliminate the option of making payments to the court in prize disputes.
 - I) Providing that prize payouts for all games shall be established in game rules.
 - J) Establishing the priority of rules in the event of conflict between official rules on file and any published versions thereof.
 - K) Clarifying which service providers are ineligible to play the Lottery or claim a prize.
- 4) Statutory Authority: Sections 7.1, 7.2, 10.1 and 10.1(a) of the Illinois Lottery Law.
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: No meetings or hearings are scheduled. Comments and inquiries are welcome at the address and telephone number set forth below.
- 6) Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Amendments for publication in the Illinois Register: Unknown.
- 7) Information concerning this regulatory agenda shall be directed to:

Name: Lisa A. Crites
Address: Illinois Lottery
 201 E. Madison
 Springfield, IL 62702
Telephone: 217 524-5253
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this amendment: None.

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

REGULATORY AGENDA

- 1) Heading of the Part: Family Assistance and Home-Based Support Programs for Persons with Mental Disabilities
- 2) Code Citation: 59 Ill. Adm. Code 117
- 3) A description of the rule(s):

The Home-Based Support Services Law for Mentally Disabled Adults (405 ILCS 80/2-1 (1992 State Bar Edition, 1993 Supp.)) authorizes the Department to encourage, develop, sponsor and fund home-based services for adults who are mentally disabled in order to provide alternatives to institutionalization and to permit them to remain in their own homes.

The Family Assistance Law for Mentally Disabled Children (405 ILCS 80/3-1 (1992 State Bar Edition, 1993 Supp.)) mandates the Department to strengthen and promote families who provide care in the family home for children whose level of mental illness or developmental disability constitutes a risk of out-of-home placement.

Part 117 will be amended to implement P.A. 88-388, effective August 20, 1993 as well as to clarify Department policy concerning in the use of funds which providers and families receive through the programs regulated by these rules. It is also being amended to clarify the random selection process which is used to choose individuals for participation in the programs and to clarify which individuals are entitled to have a hearing. Criteria for service termination will be expanded, provisions for a lump sum payment to participating families and for the reinstatement of a stipend will be added, and the eligibility criteria for adults with mental illness will be changed. In addition, numerous technical changes, such as updating statutory citations, will be made.
- 4) Statutory Authority: Implementing the Home-Based Support Services Law for Mentally Disabled Adults (405 ILCS 80/2-1 (1992 State Bar Edition, 1993 Supp.)) and the Family Assistance Law for Mentally Disabled Children (405 ILCS 80/3-1 (1992 State Bar Edition, 1993 Supp.)) and authorized by Section 2-16 of the Home-Based Support Services Law for Mentally Disabled Adults (405 ILCS 80/2-16 (1992 State Bar Edition, 1993 Supp.)) and Section 5-104 of the Mental Health and Developmental Disabilities Code (405 ILCS 5/5-104 and Section 5 of the Department of Mental Health and Developmental Disabilities Act (20 ILCS 1705/5)).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department has not scheduled any hearings on this rulemaking. However, the Department routinely involves other State agencies, such as the Department of Public Aid, and providers of services to individuals with developmental disabilities or mental illness in the development of its rules and amendments to those rules, through the

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

REGULATORY AGENDA

formation of committees on which the providers and other State agencies are represented. In this manner, the public affected by the rulemaking can actively participate in the rulemaking's development.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: March 1995.

7) Information concerning this regulatory agenda shall be directed to:

Karl Menninger, II
Bureau of Rules, Policies and Regulatory Review
403 Stratton Building
Springfield, IL 62765
(217) 782-6702

8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will affect non-profit community providers of mental health and developmental disabilities services.

9) Other pertinent information concerning this rule (amendment, repealer):
None.

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

REGULATORY AGENDA

1) Heading of the Part: Medicaid Community Mental Health Services Program

2) Code Citation: 59 Ill. Adm. Code 132

3) A description of the rule(s):

These rules allow the Department of Mental Health and Developmental Disabilities and the Department of Children and Family Services (DCFS) to expand the type and availability of medically-necessary mental health services and increase the number of providers participating in a voluntary program.

Part 132 allows agencies to participate under one or more of the Medicaid options (i.e., clinic, rehabilitative and case management); provide off-site rehabilitative services; provide case management services and permit differing qualified levels of staff to participate in the provision of services. In addition, these rules further enhance DCFS' capabilities to comply with the terms of a consent decree regarding timely discharges of children and adolescents from psychiatric institutions.

Part 132 will be amended to allow providers to get Medicaid reimbursement for children who are Medicaid eligible and funded for placement through an individual care grant for the mentally ill in Medicaid certified residential settings. It will also be amended to increase the range of services that can be provided to Medicaid eligible individuals, to expand the type of professionals who can provide covered services to Medicaid eligible individuals, to increase the provision of Medicaid billable services to eligible individuals residing in community integrated living arrangements and other Department-funded residential settings, to enhance the Department's ability to garner FFP by leveraging the GRF base. In addition, numerous technical changes, such as updating statutory citations, will be made.

4) Statutory Authority: Implementing and authorized by the Community Services Act [405 ILCS 30] and authorized by Section 15.3 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/15.3].

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department has not scheduled any hearings on this rulemaking. However, the Department routinely involves other State agencies, such as the Departments of Public Aid and Children and Family Services, and providers of services to individuals with mental illness in the development of its rules and amendments to those rules, through the formation of committees on which the providers and other State agencies are represented. In this manner, the public affected by the rulemaking can actively participate in the rulemaking's development.

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

REGULATORY AGENDA

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: March 1995.

7) Information concerning this regulatory agenda shall be directed to:

Karl Menninger, II
Bureau of Rules, Policies and Regulatory Review
403 Stratton Building
Springfield, IL 62765
(217) 782-6702

8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will affect non-profit community providers of Medicaid clinic option services for children and adults with mental illness.

9) Other pertinent information concerning this rule (amendment, repealer):
None.

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

REGULATORY AGENDA

1) Heading of the Part: Medicaid Home and Community-Based Services for Developmentally Disabled Recipients

2) Code Citation: 59 Ill. Adm. Code 120

3) A description of the rule(s):

Under the Mental Health and Developmental Disabilities Code [405 ILCS 5], the Department of Mental Health and Developmental Disabilities is designated as the primary agency responsible for overseeing the delivery of habilitation services to individuals with a developmental disability. The Department of Public Aid, as the single State Medicaid agency designated to administer and supervise the administration of the Medicaid Program under Title XIX, Medical Assistance, of the Social Security Act and the Public Aid Code, has delegated responsibility to the Department for administering the Title XIX (Medicaid) Program for home and community-based waiver services to the adult with developmental disabilities described in this Part.

Part 120 will be amended to bring it in conformity with the waiver agreement with the Health Care Finance Authority (HCFA), with federal audit findings and with amendments to State statutes. References to the role of the PASARR (pre-admission screening and resident review) agents will be added. In addition, numerous technical changes, such as updating the statutory citations and removing references to regional offices, will be made.

4) Statutory Authority: Implementing Section 3 of the Community Services Act [405 ILCS 30/3] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department has not scheduled any hearings on this rulemaking. However, the Department routinely involves other State agencies, such as the Department of Public Aid, and providers of services to individuals with developmental disabilities in the development of its rules and amendments to those rules, through the formation of committees on which the providers and other State agencies are represented. In this manner, the public affected by the rulemaking can actively participate in the rulemaking's development.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: February 1995.

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

REGULATORY AGENDA

7) Information concerning this regulatory agenda shall be directed to:

Karl Menninger, II
Bureau of Rules, Policies and Regulatory Review
403 Stratton Building
Springfield, IL 62765
(217) 782-6702

8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will affect non-profit community providers of developmental disabilities Medicaid waiver services.

9) Other pertinent information concerning this rule (amendment, repealer):
None.

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

REGULATORY AGENDA

1) Heading of the Part: Treatment and Habilitation Services

2) Code Citation: 59 Ill. Adm. Code 112

3) A description of the rule(s):

This Part regulates the utilization review process, the admission, treatment and habilitation of persons with mental retardation, physical and dental examinations of recipients of services, the use of informed consent, release and burial of deceased recipient, protection of human subjects, and the use of narcotics, and the use and administration of psychotropic drugs in Department facilities.

Section 112.10 will be amended to make the utilization review process applicable to the participating mental health centers which will be regulated by the Department's proposed new rules at 59 Ill. Adm. Code 258, Standards and Requirements for Pre-Admission Screening and Participating Mental Health Centers (18 Ill. Reg. 8795, June 17, 1994).

4) Statutory Authority: Implementing Sections 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act (20 ILCS 1705/5).

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department has not scheduled any hearings on this rulemaking. However, the Department routinely involves other State agencies, such as the Departments of Public Aid and Children and Family Services, and providers of services to individuals with mental illness in the development of its rules and amendments to those rules, through the formation of committees on which the providers and other State agencies are represented. In this manner, the public affected by the rulemaking, can actively participate in the rulemaking's development.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: February 1995.

7) Information concerning this regulatory agenda shall be directed to:

Name: Karl Menninger, II
Bureau of Rules, Policies and Regulatory Review
403 Stratton Building
Springfield, IL 62765
Address:

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

REGULATORY AGENDA

Telephone: (217) 782-6702

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will affect non-profit community providers of Medicaid clinic option services for children and adults with mental illness.
- 9) Other pertinent information concerning this rule (amendment, repealer):
None.

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

Heading of the Part: The Illinois Oil and Gas ActCode Citation: 62 Ill. Adm. Code 240

- 3) A description of the rule(s): 62 Ill. Adm. Code 240.10 through 240.1960 establishes administrative, operational and enforcement procedures pertaining to the production of oil and gas. Definitional provisions are proposed to be added. Sections regarding environmental safety, administrative procedures and operational requirements are proposed to be updated.
- 4) Statutory Authority: Implementing and authorized by Sections 6 and 8a of the Illinois Oil and Gas Act (225 ILCS 725).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: January 31, 1995.
- 7) Information concerning this regulatory agenda shall be directed to:
Alfred L. Clayborne, Legal Counsel
Illinois Department of Mines and Minerals
300 W. Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137
(217) 782-6791
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Yes
- 9) Other pertinent information concerning this rule (amendment, repealer):
None

DEPARTMENT OF NUCLEAR SAFETY

REGULATORY AGENDA

- 1) Heading of the Part: Access to Facilities for Treatment, Storage, or Disposal of Low-level Radioactive Waste
- 2) Code Citation: 32 Ill. Adm. Code 609
- 3) A description of the rule(s): This Part establishes a system for monitoring and tracking shipments of low-level radioactive waste within the State of Illinois.
- 4) Statutory Authority: Implementing and authorized by the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20], the Central Midwest Low-Level Radioactive Waste Compact Act (45 ILCS 140), the Low-Level Radioactive Waste Policy Amendments Act of 1985 [P.L. 99-240], and the Radioactive Waste Compact Enforcement Act (45 ILCS 141).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: To be announced
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: The Department anticipates submitting to the Index Department a Notice of Proposed Rules for publication in the Illinois Register within the first six months of 1995.
- 7) Information concerning this regulatory agenda shall be directed to:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice); (217) 782-6133 (TDD)

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? The Department believes that this rulemaking may have an effect on small businesses and not for profit corporations (i.e., generators and brokers of low-level radioactive waste). The Department does not believe these amendments will have any direct impact on small municipalities as defined in Section 100/1-80 of the IAPA.
- 9) Other pertinent information concerning this rule (amendment, repealer):
The Department is proposing this rule to implement and enforce certain provisions of the Central Midwest Interstate Low-Level Radioactive Waste Compact, a bi-state agreement between Illinois and Kentucky. The Compact creates certain restrictions on the import into and export from the two-state region of low-level radioactive waste. Each of the Compact's party states is required to prescribe and enforce penalties to enforce these restrictions.

DEPARTMENT OF NUCLEAR SAFETY

REGULATORY AGENDA

- 1) Heading of the Part: Fees for Radioactive Material Licenses
- 2) Code Citation: 32 Ill. Adm. Code 331
- 3) A description of the rule(s): The Department is amending this Part to require the payment of fees on an annual basis.
- 4) Statutory Authority: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 (420 ILCS 40/11).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: To be announced
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: The Department anticipates submitting to the Index Department a Notice of Proposed Rules for publication in the Illinois Register within the first six months of 1995.
- 7) Information concerning this regulatory agenda shall be directed to:

Name: Rose Miller
Address: 1035 Outer Park Drive, Springfield, IL 62704
Telephone: (217) 785-9860 (voice); (217) 782-6133 (TDD)

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? The Department believes that these amendments may affect small businesses or not for profit corporations that are licensed by the Department to possess, use, distribute, store, treat or dispose of radioactive materials. The Department does not believe these amendments will have any direct impact on small municipalities as defined in Section 100/1-80 of the IAPA.
- 9) Other pertinent information concerning this rule (amendment, repealer):
Not applicable

DEPARTMENT OF NUCLEAR SAFETY

REGULATORY AGENDA

- 1) Heading of the Part: Licensing of Radioactive Material
- 2) Code Citation: 32 Ill. Adm. Code 330
- 3) A description of the rule(s): The Department is amending this Part to ensure compatibility as an NRC Agreement State and to clarify the requirements for broad scope licensees.
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: To be announced
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: The Department anticipates submitting to the Index Department a Notice of Proposed Rules for publication in the Illinois Register within the first six months of 1995.
- 7) Information concerning this regulatory agenda shall be directed to:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice); (217) 782-6133 (TDD)

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? The Department believes that these amendments may affect small businesses or not for profit corporations that are licensed by the Department to possess, use, distribute, store, treat or dispose of radioactive materials. The Department does not believe these amendments will have any direct impact on small municipalities as defined in Section 100/1-80 of the IAPA.
- 9) Other pertinent information concerning this rule (amendment, repealer):
Not applicable.

DEPARTMENT OF NUCLEAR SAFETY

REGULATORY AGENDA

- 1) Heading of the Part: Use of Radionuclides in the Healing Arts
- 2) Code Citation: 32 Ill. Adm. Code 335
- 3) A description of the rule(s): The Department is amending this Part to ensure compatibility as an NRC Agreement State and to require that each licensee establish and maintain a written quality management program to provide assurance that radioactive material or radiation therefrom is administered to humans as directed by the authorized user.
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: To be announced
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: The Department anticipates submitting to the Index Department a Notice of Proposed Rules for publication in the Illinois Register within the first six months of 1995.
- 7) Information concerning this regulatory agenda shall be directed to:

Name: Rose Miller
Address: 1035 Outer Park Drive, Springfield, IL 62704
Telephone: (217) 785-9860 (voice); (217) 782-6133 (TDD)

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? The Department believes that these amendments may affect small businesses or not for profit corporations that are licensed by the Department to possess, use, distribute, store, treat or dispose of radioactive materials. The Department does not believe these amendments will have any direct impact on small municipalities as defined in Section 100/1-80 of the IAPA.
- 9) Other pertinent information concerning this rule (amendment, repealer):
Not applicable

POLLUTION CONTROL BOARD

REGULATORY AGENDA

- 1) Heading of the Part: Clean Fuel Vehicles
- 2) Code Citation: 35 Ill. Adm. Code 241

3) A description of the rule(s): Rules are currently being developed by the Illinois Environmental Protection Agency (Agency) for proposal to the Board pursuant to the fast-track rulemaking procedure of Section 28.5 of the Environmental Protection Act. This rulemaking will add new Part 241. The proposed rules would apply to owners or operators of covered fleets in the Chicago severe ozone nonattainment area, i.e. those motor vehicle fleets with 10 or more nonexempt vehicles that are capable of being centrally fueled. The rule would exempt emergency vehicles, law enforcement vehicles, those vehicles not capable of being centrally fueled, and other categories as provided for by statute from being counted or covered by the rule.

Beginning with car model year 1998, the rule would require that a certain percentage of new motor vehicle acquisitions by covered fleets owners must be clean fuel vehicles. The rule would distinguish between light-duty vehicles, those less than 8000 pounds, and heavy-duty vehicles, those greater than 8000 pounds. The acquisition requirements for owners or operators of light-duty vehicles would initially require that 30 percent of all purchases be clean fuel vehicles and phase up to 70 percent of acquisitions. Owners or operators of heavy-duty vehicles have a flat requirement of 50 percent of new acquisitions. Owners or operators of covered fleets would be able to meet the acquisition requirement by acquiring a clean fuel vehicle or by obtaining an equivalent number or credits.

4) Statutory Authority: Sections 10, 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28.5].

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Agency has met with a workgroup of affected fleet owners on November 16, 1993, January 26, 1994, March 1, 1994, and April 18, 1994, to develop the rule and plans to meet again with the workgroup January, 1995.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: February, 1995 submittal is expected.

7) Information concerning this regulatory agenda shall be directed to:

Kathleen M. Crowley
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500

POLLUTION CONTROL BOARD

REGULATORY AGENDA

Chicago, Illinois 60601
Telephone: 312-814-6929

8) Will this rule affect small business, small municipalities or not for profit corporations? Yes, this rule will affect small and large fleet owners that have 10 or more covered vehicles in their fleets. If other motor vehicle owners are included in the proposed credit trading program, the rules could potentially affect owners or operators who voluntarily elect to participate in the credit trading program.

9) Other pertinent information concerning this rule: The Clean Fuel Fleet Program is required pursuant to Section 182(c)(4) of the Clean Air Act. The rule sets forth the criteria for applicability, the emission standards for clean fuel vehicles and a credit program. The Agency has met with a workgroup of affected fleet owners on November 16, 1993, January 26, 1994, March 1, 1994, and April 18, 1994, to develop the rule and plans to meet again with the workgroup January, 1995. The Illinois Environmental Protection Agency will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Rachel Doctors
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-524-3333

POLLUTION CONTROL BOARD

REGULATORY AGENDA

- 1) Heading of the Part: Definitions and General Provisions

- 2) Code Citation: 35 Ill. Adm. Code 211

3) A description of the rule(s): Rules are currently being developed by the Illinois Environmental Protection Agency (Agency) for proposal to the Illinois Pollution Control Board (Board) pursuant to the fast-track rulemaking procedures of Section 28.5 of the Environmental Protection Act. (1) This rulemaking will amend existing air pollution definitions and add definitions as necessary to be consistent with recent proposed and adopted revisions to 35 Ill. Adm. Code Parts 201, 212, 218, and 219. Revisions were made to rules in these Parts pursuant to Illinois' Clean Air Act Permit Program (415 ILCS 5/39.5) and Illinois' 15% Rate of Progress Plan ("15% Plan") rulemakings. The 15% Plan rulemakings are required pursuant to Section 182(b)(1) of the Clean Air Act. (2) This rulemaking may include definitions as necessary to supplement any rule for architectural and industrial maintenance coatings if these measures are not done nationally by the United States Environmental Protection Agency (U.S. EPA), as these measures are part of Illinois' 15% Plan. (3) This rulemaking may include definitions as necessary to supplement any rules proposed to address control measures for VOC emissions from industrial wastewater treatment facilities that was initially to be addressed by a new U.S. EPA Control Technique Guideline (CTG). This control measure is part of Illinois' 15% Plan. (4) This rulemaking may include definitions as necessary to supplement any rules proposed to address control measures for VOC emissions from industrial clean-up solvents that were initially to be addressed by a new U.S. EPA Control Technique Guideline (CTG). This control measure is part of Illinois' 15% Plan. (5) This rulemaking may include definitions as necessary to supplement any revisions to 35 Ill. Adm. Code Part 212: Visible and Particulate Matter Emissions, which revisions are required to obtain full U.S. EPA approval of Illinois' State Implementation Plan for this category. (6) This rulemaking may include definitions as necessary to supplement any revisions to 35 Ill. Adm. Code Part 215: Organic Material and Emission Standards and Limitations, to make this Part consistent with the nonsubstantive revisions to 35 Ill. Adm. Code Parts 218 and 219.

- 4) Statutory Authority: Section 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/27 and 28.5].

- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled at this time. Once the proposal is filed, the Board will hold hearings on the schedule established in Section 28.5.

- 6) Date Agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: A late spring or early summer, 1995 submittal to the Board is expected, after

POLLUTION CONTROL BOARD

REGULATORY AGENDA

which the Board would cause a Notice of Proposed Amendments to appear in the Register.

- 7) Information concerning this regulatory agenda shall be directed to:

Kathleen M. Crowley
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6929

- 8) Will these amendments affect small business, small municipalities or not-for-profit corporations? As this rulemaking will address definitions, this rulemaking will not in itself have a substantive impact on sources affected by Illinois' air pollution regulations.

- 9) Other pertinent information concerning these amendments: The Agency will meet with interested person prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Laurel Kroack
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-524-3333

POLLUTION CONTROL BOARD

REGULATORY AGENDA

- 1) Heading of the Part: GENERAL RULES
- 2) Code Citation: 35 Ill. Adm. Code 101
- 3) A description of the rule(s): 35 Ill. Adm. Code: Subtitle A (Parts 101 through 120) contains the procedural rules of the Illinois Pollution Control Board (Board). The Board is in the process of reviewing its rules to determine whether any of them may need updating, streamlining, or other revision. The Board has not as yet developed a regulatory proposal, but when it does so the proposed rules and opinion containing the Board's supporting rationale will be docketed as R95-1.
- 4) Statutory Authority: Sections 26 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/26 and 28].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Once the Board has developed a regulatory proposal in Docket R95-1, the Board will accept written comment and will schedule a public hearing upon request. The public may file written comments with the Clerk of the Board at James R. Thompson Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. Additionally, the public may contact the Clerk's office at 312-814-3620 to receive a copy of the Board's proposal and to be added to the Notice List (which will insure notice of any hearings scheduled in this matter). Please specify Docket R95-1.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: The Board may cause publication of a Notice of Proposed Amendments in Spring or Summer, 1995.
- 7) Information concerning this regulatory agenda shall be directed to:

Kathleen M. Crowley
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6929
- 8) Will these amendments affect small business, small municipalities or not for profit corporations? Any which appear before the Board in any type of proceeding. These include rulemakings; enforcement actions; variances, adjusted standards and site-specific rule requests; permit appeals; review of local governments' decisions concerning siting of pollution control facilities; and any other actions provided for in the Environmental Protection Act.

POLLUTION CONTROL BOARD

REGULATORY AGENDA

- 9) Other pertinent information concerning these amendments: As all of the procedural rules are inter-related, any potential revisions in Part 101 may also result in amendments to any or all of 35 Ill. Adm. Code 102 through 107, or 120.

POLLUTION CONTROL BOARD

REGULATORY AGENDA

1) Heading of the Part: Hazardous Waste Management System: General

2) Code Citation: 35 Ill. Adm. Code 720

3) A description of the rulemaking:

The Board has reserved docket R95-6 to accommodate U.S. EPA amendments to the federal RCRA Subtitle C (hazardous waste) regulations that occurred during the period July 1 through December 31, 1994. As of this time, the Board is aware of the following cited federal amendments to the RCRA Subtitle C program that may prompt Board action in this proceeding:

- 59 Fed. Reg. 48536, July 28, 1994
- 59 Fed. Reg. 43496, August 24, 1994
- 59 Fed. Reg. 47980, September 19, 1994
- 59 Fed. Reg. 52862, October 19, 1994
- 59 Fed. Reg. 52896, December 6, 1994

4) Statutory Authority: Sections 22.4 and 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

5) Schedule of dates for hearings, meetings, or other opportunities for public participation:

Section 22.4(a) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Because Title VII of the Act does not apply, the Board does not presently intend to schedule public hearings in this matter. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register:

The Board cannot project an exact date for publication at this time. However, Section 7.2(b) of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date is July 28, 1995. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

7) Information concerning this regulatory agenda shall be directed to:

POLLUTION CONTROL BOARD

REGULATORY AGENDA

Address questions concerning this regulatory agenda to Michael J. McCambridge, at 312-814-6924.

Address written comments concerning the substance of the rulemaking, noting docket number R95-6, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

8) Will these amendments affect small business, small municipalities or not for profit corporations?

This rulemaking will affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the generation; transportation; or treatment, storage, or disposal of hazardous waste.

9) Other pertinent information concerning these amendments:

Any federal amendments to the RCRA Subtitle C program could also cause the Board to amend 35 Ill. Adm. Code 700, 702, 703, 705, 721 through 726, 728, or 739.

POLLUTION CONTROL BOARD

REGULATORY AGENDA

- 1) Heading of the Part: ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE CHICAGO AREA

2) Code Citation: 35 Ill. Adm. Code 218

- 3) A description of the rule(s): Rules are currently being developed by the Illinois Environmental Protection Agency (Agency) for proposal to the Illinois Pollution Control Board (Board) pursuant to the fast-track rulemaking procedure of Section 28.5 of the Environmental Protection Act. (1) This rulemaking will amend existing air pollution control rules for volatile organic material (VOM) to clean up the existing language. The rulemaking is intended to make this Part consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and to be consistent with recent revisions to these rules pursuant to Illinois' 15% Rate of Progress Plan ("15% Plan") rulemakings. The 15% plan rulemakings are required pursuant to Section 182(b)(1) of the Clean Air Act. (2) This rulemaking may include a rule for architectural and industrial maintenance coatings if control measures are not adopted nationally by the United States Environmental Protection Agency (U.S. EPA), as these measures are part of Illinois' 15% Plan. (3) This rulemaking may address control measures for VOM emissions from industrial wastewater treatment facilities that were to be addressed by a U.S. EPA Control Technique Guideline (CTG). (4) This rulemaking may also address control measures for VOM emissions from industrial clean-up solvents that were to be addressed by a U.S. EPA Control Technique Guideline (CTG).

- 4) Statutory Authority: Sections 10, 27, 28.2 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28.2 and 28.5].

- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled at this time. Once the proposal is filed, the Board will hold hearings on the schedule established in Section 28.5.

- 6) Date Agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: A late spring or early summer, 1995 submittal to the Board is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the Register.

- 7) Information concerning this regulatory agenda shall be directed to:

Kathleen M. Crowley
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
Telephone: 312-814-6929

POLLUTION CONTROL BOARD

REGULATORY AGENDA

- 8) Will these amendments affect small business, small municipalities or not-for-profit corporations? This rulemaking will affect small and large industrial sources that emit VOM. If architectural and industrial maintenance coating rules are included, they would potentially affect any entity that applies paints to buildings or other structures, including traffic maintenance paints. If rules regulating VOM emissions from industrial wastewater treatment facilities are included in this proposal, it could potentially affect any entity that generates industrial wastewater or operates its own wastewater treatment facilities. If rules regulating VOM emissions from industrial clean-up solvents are included in this proposal, it could potentially affect any entity using clean-up solvents as part of its manufacturing or other processes.

- 9) Other pertinent information concerning these amendments: There have been a number of amendments to Parts 218 during the past two years. This rulemaking may also clean-up some limited portions of the recently completed rules. Depending on the success of on-going national negotiations and potential national rulemakings regarding architectural coatings, the Agency may need to proceed with regulations addressing the VOM content of such coatings. Likewise, additional rules may be needed for clean-up solvents and industrial wastewater treatment. The Illinois Environmental Protection Agency will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Laurel Kroack
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-524-3333

Similar revisions will be proposed to 35 Ill. Adm. Code 219, Organic Material Emission Standards and Limitations for Metro-East Area.

POLLUTION CONTROL BOARD

REGULATORY AGENDA

- 1) Heading of the Part: Organic Material Emission Standards and Limitations for Metro East Area

- 2) Code Citation: 35 Ill. Adm. Code 219

- 3) A description of the rule(s): (1) This rulemaking will amend existing air pollution control rules for volatile organic material (VOM) to clean up the existing language. This rulemaking is intended to make this Part consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and to be consistent with recent revisions to these rules pursuant to Illinois' 15% Rate of Progress Plan ("15% Plan") rulemakings. The 15% Plan rulemakings are required pursuant to Section 102(b)(1) of the Clean Air Act. (2) This rulemaking may include a rule for architectural and industrial maintenance coatings if control measures are not adopted nationally by the United States Environmental Protection Agency (U.S. EPA), as these measures are part of Illinois' 15% Plan. (3) This rulemaking may address control measures for VOM emissions from industrial wastewater treatment facilities that were to be addressed by a U.S. EPA Control Technique Guideline (CTG). (4) This rulemaking may also address control measures for VOM emissions from industrial clean-up solvents that were to be addressed by a U.S. EPA Control Technique Guideline (CTG).

- 4) Statutory Authority: Sections 10, 27, 28.2 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28.2 and 28.5].

- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled at this time. Once the proposal is filed, the Board will hold hearings on the schedule established in Section 28.5.

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: A Notice of Proposed Amendments may appear in the Register after this proceeding commences. Submittal to the Board of the proposal that will commence this proceeding is expected in late Spring or early Summer, 1995.

- 7) Information concerning this regulatory agenda shall be directed to:

Kathleen M. Crowley
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312)814-6929

- 8) Will these amendments affect small business, small municipalities or not-for-profit corporations? This rule will affect small and large industrial sources that emit VOM. If architectural and industrial maintenance coating rulemaking is adopted, it may potentially affect any

POLLUTION CONTROL BOARD

REGULATORY AGENDA

entity that applies paints to buildings or other structures, including traffic maintenance paints. If rules regulating VOM emissions from industrial wastewater treatment facilities are included in this proposal, it could potentially affect any entity that generates industrial wastewater or operates its own wastewater treatment facilities. If rules regulating VOM emissions from industrial clean-up solvents are included in this proposal, it could potentially affect any entity using clean-up solvents as part of its manufacturing or other processes.

- 9) Other pertinent information concerning these amendments: There have been a number of amendments to Part 219 during the past two years. This rulemaking may also clean up some limited portions of the recently completed rules. Depending on the success of on-going national negotiations and potential national rulemakings regarding architectural coatings, the Agency may need to proceed with regulations addressing the VOM content of such coatings. Likewise, additional rules may be needed for clean-up solvents and industrial wastewater treatment. The Illinois Environmental Protection Agency will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Laurel Kroack
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217)524-3333

Similar revisions will be proposed to 35 Ill. Adm. Code 218, Organic Material Emission Standards and Limitations for Chicago Area.

POLLUTION CONTROL BOARD
REGULATORY AGENDA

Laurel Kroack
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-524-3333

POLLUTION CONTROL BOARD
REGULATORY AGENDA

- 1) Heading of the Part: ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
- 2) Code Citation: 35 Ill. Adm. Code 215
- 3) A description of the rule(s): Rules are currently being developed by the Illinois Environmental Protection Agency for proposal to the Illinois Pollution Control Board pursuant to the fast-track rulemaking procedure of Section 28.5 of the Environmental Protection Act. This rulemaking will amend existing air pollution control rules for volatile organic material (VOM) to clean up the existing language. The rulemaking is intended to make this Part consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and to be consistent with nonsubstantive aspects of recent revisions to 35 Ill. Adm. Code Parts 218 and 219, pursuant to Illinois' 15% Rate of Progress Plan ("15% Plan") rulemakings. These revisions are not intended to be substantive in nature and should not be controversial.
- 4) Statutory Authority: Sections 10, 27, 28.2 and 28.5 of the Illinois Environmental Protection Act [415 ILCS 5/10, 27, 28.2 and 28.5].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled at this time. Once the proposal is filed, the Board will hold hearings on the schedule established in Section 28.5.
- 6) Date Agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: A late spring or early summer, 1995 submittal to the Board is expected.
- 7) Information concerning this regulatory agenda shall be directed to:

Kathleen M. Crowley
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
Telephone: 312-814-6929
- 8) Will these amendments affect small business, small municipalities or not-for-profit corporations? This rule should have no negative impact on sources subject to the rules in Part 215, because all revisions are intended to make the rules clearer and consistent.
- 9) Other pertinent information concerning these amendments: The Illinois Environmental Protection Agency will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

POLLUTION CONTROL BOARD

REGULATORY AGENDA

1) Heading of the Part: PERMITS AND GENERAL PROVISIONS

2) Code Citation: 35 Ill. Adm. Code 201

3) A description of the rule(s): Rules are currently being developed by the Illinois Environmental Protection Agency (Agency) for proposal to the Illinois Pollution Control Board (Board) pursuant to the fast-track rule-making procedures of Section 28.5 of the Environmental Protection Act. 1) Revision of the present exemptions from state permitting, contained in Section 201.146, to consider the list of insignificant activities recently developed for the Clean Air Act Permit Program ("CAAPP") permitting in Section 201.210. 2) General "Clean-up" of Part 201, to address changes in terminology accompanying CAAPP and other developments, since Part 201 was last reviewed. 3) Possible establishment of a "Quick Look" process so that construction of simpler projects may begin in 30 days or less if the Agency agrees that a project may proceed.

4) Statutory Authority: Sections 10, 27, 28.2, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28.2 and 28.5].

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled at this time. Once the proposal is filed, the Board will hold hearings on the schedule established in Section 28.5.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: The Board may cause a Notice of Proposed Amendments to appear in the Register in Spring, 1995.

7) Information concerning this regulatory agenda shall be directed to:

Kathleen M. Crowley
Illinois Pollution Control Board
James R. Thompson Center
10 West Randolph Street, Suite 11-500
Chicago, IL 60601
Telephone: 312-814-6929

8) Will these amendments affect small business, small municipalities or not for profit corporations? Yes. The rules will affect small businesses in a beneficial way by streamlining the permit process.

9) Other pertinent information concerning these amendments: This rulemaking has generally been discussed by the Agency with business groups and certain sources as an initiative to simplify the state permitting program that would follow shortly after the revisions to Part 201 to address the CAAPP. It has not been discussed with the Board. The contact person at

POLLUTION CONTROL BOARD

REGULATORY AGENDA

the Illinois Environmental Protection Agency is:

Laurel Kroack
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-524-3333

POLLUTION CONTROL BOARD

REGULATORY AGENDA

1) Heading of the Part: Petroleum Underground Storage Tanks

2) Code Citation: 35 Ill. Adm. Code 732

3) A description of the rule(s): On or about February 9, 1995, the Illinois Environmental Protection Agency, and other proponents from the regulated community, are scheduled to file regulatory proposals with the Illinois Pollution Control Board seeking certain amendments to Part 732. On September 15, 1994, the Board adopted new Part 732 in its entirety, and at the same time created a sub-docket for the development of objective risk-based soil remediation numbers or risk-based methodologies. The rulemaking proposals expected around February 9th will be docketed as R94-2(B) and will address these issues as well as other issues left open by the Board in R94-2(A).

4) Statutory Authority: Sections 27, 28, and 57.14 of the Environmental Protection Act (415 ILCS 5/22.34, 22.35, 27, 28, and 57.14).

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The schedule for this rulemaking is as follows: The proposal deadline is February 9, 1995. The first set of hearings will be held March 29 and 30, 1995 in Springfield, Illinois. The second set of hearings will be held April 26 and 27, 1995. Any party wishing to testify at the public hearings in this matter, must pre-file testimony by February 24, 1995. Should any person wish to ask questions of the witnesses, his or her pre-filed questions must be submitted by March 10, 1995. Additional information about the hearings is available from the hearing officer specified in question 7 below. Written comments may be submitted to the Clerk of the Board, James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago, IL 60601. Please refer to docket R94-2(B).

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: The Illinois Environmental Protection Agency anticipates submitting its proposal to the Pollution Control Board on February 9, 1995. If the Board adopts the rulemaking proposal, the Board will then submit a Notice of Proposed Amendments in the Spring of 1995.

7) Information concerning this regulatory agenda shall be directed to:

Musette H. Vogel, Hearing Officer
Illinois Pollution Control Board
600 South Second Street, Suite 402
Springfield, IL 62704
Phone: 217-524-9539

8) Will these amendments affect small business, small municipalities or not

POLLUTION CONTROL BOARD

REGULATORY AGENDA

for profit corporations? Small businesses, not for profit corporations and small municipalities may be affected by this rule.

9) Other pertinent information concerning these amendments: None.

POLLUTION CONTROL BOARD

REGULATORY AGENDA

1) Heading of the Part: PRIMARY DRINKING WATER STANDARDS2) Code Citation: 35 Ill. Adm. Code 6113) A description of the rulemaking:

The Board has reserved docket R95-3 to accommodate U.S. EPA amendments to the federal primary drinking water (SDWA) regulations that occurred during the period July 1 through December 31, 1994. As of this time, the Board is aware of the following cited federal amendments to the SDWA program that may prompt Board action in this proceeding:

59 Fed. Reg. 34320, July 1, 1994

59 Fed. Reg. 62456, December 5, 1994

4) Statutory Authority: Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 and 27].

5) Schedule of dates for hearings, meetings, or other opportunities for public participation:

Section 17.5 of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Because Title VII of the Act does not apply, the Board does not presently intend to schedule public hearings in this matter. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register:

The Board cannot project an exact date for publication at this time. However, Section 7.2(b) of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date is July 1, 1995. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

7) Information concerning this regulatory agenda shall be directed to:

Address questions concerning this regulatory agenda to Michael J. McCambridge, at 312-814-6924.

POLLUTION CONTROL BOARD

REGULATORY AGENDA

Address written comments concerning the substance of the rulemaking, noting docket number R95-3, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

8) Will these amendments affect small business, small municipalities or not for profit corporations?

This rulemaking will affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities operate a "public water supply", as defined in Section 3.28 of the Act.

9) Other pertinent information concerning these amendments:

Any federal amendments to the SDWA program could also cause the Board to amend other Parts in 35 Ill. Adm. Code: Subtitle F.

POLLUTION CONTROL BOARD

REGULATORY AGENDA

- 1) Heading of the Part: Sewer Discharge Criteria
- 2) Code Citation: 35 Ill. Adm. Code 307
- 3) A description of the rulemaking:

The Board has reserved docket R95-8 to accommodate U.S. EPA amendments to the federal wastewater pretreatment regulations that occurred during the period July 1 through December 31, 1994. As of this time, the Board is unaware of any federal amendments to the wastewater pretreatment program that may prompt Board action in this proceeding.
- 4) Statutory Authority: Sections 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3 and 27].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation:

Section 13.3 of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Because Title VII of the Act does not apply, the Board does not presently intend to schedule public hearings in this matter. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register:

The Board cannot project an exact date for publication at this time. However, Section 13.3 of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on any proposal for 45 days after the date of publication.

- 7) Information concerning this regulatory agenda shall be directed to:

Address questions concerning this regulatory agenda to Michael J. McCambridge, at 312-811-6924.

Address written comments concerning the substance of the rulemaking, noting docket number R95-8, as follows:

Dorothy Gunn, Clerk

POLLUTION CONTROL BOARD

REGULATORY AGENDA

Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

- 8) Will these amendments affect small business, small municipalities or not for profit corporations?

This rulemaking will affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in discharges of wastewater to the collection system of a publicly owner treatment works in such a way as to subject them to the wastewater pretreatment requirements of the Act or Board regulations.
- 9) Other pertinent information concerning these amendments:

Any federal amendments to the SDWA program could also cause the Board to amend 35 Ill. Adm. Code 310.

POLLUTION CONTROL BOARD
REGULATORY AGENDA

Address written comments concerning the substance of the rulemaking, noting docket number R95-5, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

8) Will these amendments affect small business, small municipalities or not for profit corporations?

This rulemaking will affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the ownership or operation of a municipal solid waste landfill so as to become subject to the requirements of the Act and Board regulations.

9) Other pertinent information concerning these amendments:

Any federal amendments to the SDWA program could also cause the Board to amend 35 Ill. Adm. Code 807, 811 through 815, or 817.

POLLUTION CONTROL BOARD
REGULATORY AGENDA

1) Heading of the Part: SOLID WASTE DISPOSAL: GENERAL PROVISIONS

2) Code Citation: 35 Ill. Adm. Code 810

3) A description of the rulemaking:

The Board has reserved docket R95-5 to accommodate U.S. EPA amendments to the federal RCRA Subtitle D (municipal solid waste landfill or MSWLF) regulations that occurred during the period July 1 through December 31, 1994. As of this time, the Board is aware of the following cited federal amendments to the RCRA Subtitle D program that may prompt Board action in this proceeding:

59 Fed. Reg. 58789, November 15, 1994

4) Statutory Authority: Sections 5, 21, 21.1, 22, 22.17, 22.40, and 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 22.40 and 27].

5) Schedule of dates for hearings, meetings, or other opportunities for public participation:

Section 22.40 of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Because Title VII of the Act does not apply, the Board does not presently intend to schedule public hearings in this matter. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register:

The Board cannot project an exact date for publication at this time. However, Section 7.2(b) of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date is November 15, 1995. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

7) Information concerning this regulatory agenda shall be directed to:

Address questions concerning this regulatory agenda to Michael J. McCambridge, at 312-814-6924.

POLLUTION CONTROL BOARD

REGULATORY AGENDA

- 1) Heading of the Part: Standards for Compost Facilities
- 2) Code Citation: 35 Ill. Adm. Code 830
- 3) A description of the rule(s): The Illinois Environmental Protection Agency (Agency) is in the process of developing a regulatory proposal for submission to the Illinois Pollution Control Board (Board). The proposed rules will seek to amend the recently-adopted regulations addressing compost facilities, located at 35 Ill. Adm. Code 830. The adopted regulations establish performance standards for landscape waste compost facilities and performance and testing standards for end-product compost produced by such facilities. The proposed amendments will provide performance standards governing facilities composting organic and mixed municipal waste.
- 4) Statutory Authority: Sections 22.34 and 22.35 of the Environmental Protection Act [415 ILCS 5/22.34 and 22.35].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Board will schedule public hearings and will receive public comment once the Agency has filed its proposal and the Board has opened a docket.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: The Environmental Protection Agency anticipates submitting its proposal to the Pollution Control Board in Spring 1995.
- 7) Information concerning this regulatory agenda shall be directed to:

Kathleen M. Crowley, Senior Attorney
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
Telephone: 312-814-3620
- 8) Will these amendments affect small business, small municipalities or not for profit corporations? The Pollution Control Board anticipates that small businesses, not for profit corporations and small municipalities will not be affected by this rule.
- 9) Other pertinent information concerning these amendments:

Pursuant to the above-cited authority, the Environmental Protection Agency, in conjunction with the Department of Energy and Natural Resources, has created the Compost Quality Standards Technical Advisory Committee, comprised of representatives of academia, environmental groups,

POLLUTION CONTROL BOARD

REGULATORY AGENDA

the composting industry, the landscaping industry, municipalities, counties and the Department of Agriculture. The meetings of this committee, which provides input to assist the Agency in developing these rules, are open to the public. The next meeting is scheduled to be held January 12, 1995. No further meeting dates have been set.

For additional information concerning Illinois Environmental Protection Agency meetings and proposal, please contact:

Judith S. Dyer, Assistant Counsel
Illinois Environmental Protection Agency
2200 Churchill, P. O. Box 19276
Springfield, Illinois 62794-9276
Telephone: 217-782-5544

POLLUTION CONTROL BOARD

REGULATORY AGENDA

1) Heading of the Part: STANDARDS FOR EXISTING LANDFILLS AND UNITS

2) Code Citation: 35 Ill. Adm. Code 814

3) A description of the rule(s): This proposal is a site-specific rulemaking which would be applicable to Commonwealth Edison's Joliet/Lincoln Quarry Site located at Patterson and Brandon Roads in unincorporated Will County. Commonwealth Edison uses the site to dispose of bottom ash and slag from two of its coal-fired generating stations. Commonwealth Edison seeks to have the site designated as a surface impoundment; alternatively, Commonwealth Edison seeks to amend the regulations applicable to the site concerning leachate management, groundwater monitoring, monitoring well location standards, groundwater quality standards, and final cover requirements.

4) Statutory Authority: Sections 5, 21, 21.1, 22, 22.17, 27, and 28.1 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 27 and 28.1].

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: No hearings have yet been scheduled in this matter, which has been docketed as R94-30. In the matter of: Petition of Commonwealth Edison Company for Site-Specific Regulation for Existing Landfills and Units: 35 Ill. Adm. Code 811.814. The Board anticipates scheduling at least one public hearing in the first quarter of 1995. Interested persons may contact the hearing officer listed in item 7, to be added to the notice list for R94-30, which will insure notice of any hearings scheduled in this matter, and receipt of any proposal which the Board adopts for first notice publication. In addition, written comments may be directed to the Clerk of the Board at James R. Thompson Center, 100 West Randolph Street, Suite 11-500, Chicago IL 60601; please specify Docket R94-30.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: Summer 1995, if the Board chooses to proceed to First Notice.

7) Information concerning this regulatory agenda shall be directed to:

Kevin G. Desharnais, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

8) Will these amendments affect small businesses, small municipalities or not-for-profit corporations? The Pollution Control Board anticipates that small businesses, small municipalities, and not-for-profit corporations

POLLUTION CONTROL BOARD

REGULATORY AGENDA

will not be affected by this rule.

9) Other pertinent information concerning these amendments: None.

POLLUTION CONTROL BOARD

REGULATORY AGENDA

- 1) Heading of the Part: Toxic Air Contaminants
- 2) Code Citation: 35 Ill. Adm. Code 232
- 3) A description of the rule(s): The Illinois Environmental Protection Agency (Agency) is in the process of developing a regulatory proposal for filing with the Illinois Pollution Control Board (Board) revisions to Part 232 to require reporting of "Illinois Toxic Air Contaminant" or "ITAC" emissions beginning in 1996. Revisions to Appendix A of 35 Ill. Adm. Code 232 have been proposed (October 1994) to delineate those chemicals that are ITACs.
- 4) Statutory Authority: Sections 9.5, 10 and 27 of the Environmental Protection Act [415 ILCS 5/9.5, 10 and 27]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled at this time.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: A Notice of Proposed Amendments may appear in the Register after the Agency submits a rulemaking proposal to the Board, some time on or before April 1, 1995.
- 7) Information concerning this regulatory agenda shall be directed to:

Kathleen M. Crowley
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
Telephone: 312-814-6929
- 8) Will these amendments affect small business, small municipalities or not for profit corporations? This rule may impact small businesses, small municipalities and not for profit corporations if they currently are subject to federal emissions reporting requirements under the "Emergency Planning and Community Right-to-Know Act" (Title III of the Superfund Amendments and Reauthorization Act of 1986).
- 9) Other pertinent information concerning these amendments: The development of this rule has been ongoing since 1990. The Agency has worked with the Illinois Environmental Regulatory Group, The Chemical Industries Council of Illinois, representatives of Illinois Power and GE Plastics, as well as representatives from The Sierra Club and the Chicago Lung Association. The Illinois Environmental Protection Agency will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

POLLUTION CONTROL BOARD

REGULATORY AGENDA

Laurel Kroack
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-524-3333

POLLUTION CONTROL BOARD

REGULATORY AGENDA

- 1) Heading of the Part: Underground Injection Control Operating Requirements
- 2) Code Citation: 35 Ill. Adm. Code 730
- 3) A description of the rulemaking:

The Board has reserved docket R95-4 to accommodate U.S. EPA amendments to the federal underground injection control (UIC) regulations that occurred during the period July 1 through December 31, 1994. As of this time, the Board is unaware of any federal amendments to the UIC program that may prompt Board action in this proceeding. However, the Board will verify this before proceeding in this matter.

- 4) Statutory Authority: Sections 13, 22.4, and 27 of the Environmental Protection Act (415 ILCS 5/13, 22.4, and 27).

- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation:

Section 13(c) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Because Title VII of the Act does not apply, the Board does not presently intend to schedule public hearings in this matter. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register:

The Board cannot project an exact date for publication at this time. However, Section 7.2(b) of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. If amendments to the federal UIC regulations are found to have occurred during the update period, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

- 7) Information concerning this regulatory agenda shall be directed to:

Address questions concerning this regulatory agenda to Michael J. McCambridge, at 312-814-6924.

Address written comments concerning the substance of the rulemaking, noting docket number R95-4, as follows:

POLLUTION CONTROL BOARD

REGULATORY AGENDA

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

- 8) Will these amendments affect small business, small municipalities or not for profit corporations?

This rulemaking will affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the operation of an underground injection well that falls within the requirements of the Act and Board regulations.

- 9) Other pertinent information concerning these amendments:

Any federal amendments to the SDWA program could also cause the Board to amend 35 Ill. Adm. Code 700, 702, 704, 705, 738.

POLLUTION CONTROL BOARD

REGULATORY AGENDA

1) Heading of the Part: Underground Storage Tanks

2) Code Citation: 35 Ill. Adm. Code 731

3) A description of the rulemaking:

The Board has reserved docket R95-7 to accommodate U.S. EPA amendments to the federal UST (underground storage tank) regulations that occurred during the period July 1 through December 31, 1994. As of this time, the Board is unaware of any federal amendments to the UST program that may prompt Board action in this proceeding.

4) Statutory Authority: Sections 22.4(d), 22.13(d), and 27 of the Environmental Protection Act [415 ILCS 5/22.4(d), 22.13(d) and 27].

5) Schedule of dates for hearings, meetings, or other opportunities for public participation:

Section 22.4(d) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Because Title VII of the Act does not apply, the Board does not presently intend to schedule public hearings in this matter. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register:

The Board cannot project an exact date for publication at this time. However, Sections 7.2(b) and 22.4(d) of the Act provide that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on any such proposal for 45 days after the date of publication.

7) Information concerning this regulatory agenda shall be directed to:

Address questions concerning this regulator agenda to Michael J. McCamr. Sge, at 312-814-6224.

Address written comments concerning the substance of the rulemaking, noting docket number R95-7, as follows:

Dorothy Jann, Clerk

POLLUTION CONTROL BOARD

REGULATORY AGENDA

Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

8) Will these amendments affect small business, small municipalities or not for profit corporations?

This rulemaking will affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the ownership or operation of an underground storage tank in such a way as to become subject to the UST provisions of the Act or Board regulations.

9) Other pertinent information concerning these amendments:

None.

POLLUTION CONTROL BOARD

REGULATORY AGENDA

1) Heading of the Part: Vehicle Scrappage Requirements2) Code Citation: 35 Ill. Adm. Code 242

3) A description of the rule(s): 1) Establishment of minimum requirements for vehicle scrappage programs to be conducted in Illinois. 2) Specification of the two types of vehicle scrappage programs that may be planned and implemented, the on-going program operated by an Illinois Environmental Protection Agency (Agency)-trained scrappage program manager, and the "one-time" program conducted pursuant to an Agency-reviewed program plan. 3) Specification of how emissions reduction credits may be generated and maximized through the conduct of scrappage programs, including procedures governing possible methods for the testing and modelling of emissions from vehicles to be scrapped. 4) Possible establishment of tie-ins to the Agency's vehicle inspection and monitoring program. 5) Possible establishment of a system of fees to be paid by applicants for the Agency training as scrappage program managers and for review of "one-time" scrappage program plans. 6) Possible establishment of procedures to facilitate appropriate parts recycling.

4) Statutory Authority: Section 13B-30 of the Vehicle Emissions Law of 1995 [625 ILCS 5/13B-30 (1994)] and Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 and 28].

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled at this time. However, the Board will schedule hearings upon receipt of the Agency's proposal.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: Not yet determined.

7) Information concerning this regulatory agenda shall be directed to:

Kathleen M. Crowley
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6329

8) Will these amendments affect small business, small municipalities or not for profit corporations? Yes. The rules will give small businesses a new opportunity to obtain emission reduction credits that they can use as stationary sources to demonstrate compliance with emissions reduction requirements applicable to them. The rules will also offer the opportunity for individuals or small businesses to start new vehicle

POLLUTION CONTROL BOARD

REGULATORY AGENDA

scrappage businesses. No effect is anticipated on small municipalities. The rules will give not for profit corporations a new opportunity to generate emissions reductions credits through the conduct of scrappage programs that they can sell, accumulate to enable business expansion in an area, or retire for added air quality benefits.

9) Other pertinent information concerning these amendments: This rulemaking has generally been discussed by the Agency with representatives of potential program sponsors, environmental groups, auto collectors, parts recyclers, U.S. EPA and other states that have implemented vehicle scrappage programs. On December 19, 1994, the Agency held a workshop in Chicago to which interested parties were invited to discuss a draft vehicle scrappage proposal. The rules that the Agency will propose will reflect the comments solicited during the course of the workshop. For additional information concerning this prospective proposal, which the Agency has not discussed with the Board, interested persons should contact:

John P. Waligore
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-782-5544

POLLUTION CONTROL BOARD

REGULATORY AGENDA

1) Heading of the Part: VISIBLE AND PARTICULATE MATTER EMISSIONS2) Code Citation: 35 Ill. Adm. Code 212

3) A description of the rule(s): Rules are currently being developed by the Illinois Environmental Protection Agency (Agency) for proposal to the Illinois Pollution Control Board (Board) pursuant to the fast-track rulemaking procedure of Section 28.5 of the Environmental Protection Act. The proposed rule will address revisions to the Particulate Matter rules needed to respond to U.S. EPA's conditional approval of Illinois' State Implementation Plan approval with respect to these rules in the November 18, 1994, Federal Register. The five areas that U.S. EPA requested changes to are: 1) the opacity limit on basic oxygen furnaces must be reevaluated; 2) lack of an opacity limit for coke oven combustion stacks; 3) the compliance method for the powered roof vents at a certain steel foundry; and 4) general clean-up of ambiguous language. The proposed rule will also "clean-up" any other areas of the rule that are duplicative or ambiguous.

4) Statutory Authority: Sections 10, 27, 28.2 and 28.5 of the Illinois Environmental Protection Act [415 ILCS 5/10, 27, 28.2 and 28.5].

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled at this time. Once the proposal is filed, the Board will hold hearings on the schedule established in Section 28.5.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: A Spring 1995 submittal of a proposal for rulemaking is expected. The Board will cause publication of a Notice of Proposed Amendments in the Register upon receipt of the proposal.

7) Information concerning this regulatory agenda shall be directed to:

Kathleen M. Crowley
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6929

8) Will these amendments affect small business, small municipalities or not for profit corporations? No significant changes are expected to the rules that affect small sources. The majority of the changes will affect three major steel companies.

9) Other pertinent information concerning these amendments: In addition to

POLLUTION CONTROL BOARD

REGULATORY AGENDA

addressing U.S. EPA's comments in its conditional approval of the PM10 SIP, the proposed rule includes the following changes: 1) amending language to be consistent with Section 39.5 of the Act (i.e., changing emission source to emission unit); 2) updating citations to the Illinois Compiled Statutes; 3) deleting unnecessary Sections 212.209 and 212.315; and 4) clarifying fugitive test methods and procedures. The Illinois Environmental Protection Agency will be meeting with interested persons (including the Steel Group) in Spring, 1995. To participate in these meetings, interested person should contact:

Rachel Doctors
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: 217-524-3333

POLLUTION CONTROL BOARD

REGULATORY AGENDA

1) Heading of the Part: Water Quality Standards

2) Code Citation: 35 Ill. Adm. Code 302

3) A description of the rule(s): On September 3, 1992, the Board accepted a proposal for hearing to amend portions of the water pollution control rules that would further limit discharges of toxic pollutants. The proposal was filed by the Illinois Chapter of the Sierra Club, Citizens for a Better Environment, Lake Michigan Federation, and the McHenry County Defenders. The Board docketed this rulemaking as R92-8, and has held 5 hearings concerning the proposal. There was a hiatus in hearings at the proponent's request to allow for meetings between them, affected industries, and the Illinois Environmental Protection Agency (Agency).

In a statement accompanying the proposal, the petitioners noted that "[t]he amendments to the water quality rules proposed are designed to limit further and eventually eliminate the discharge of toxic and bioaccumulative pollutants, establish more enforceable water quality criteria develop effective plans for limiting pollution in watersheds seriously affected by nonpoint pollution." Specifically proposed are additional numeric general water quality standards for 36 chemicals, methods to determine whole effluent toxicity-based criteria, and methods to determine and utilize bioaccumulation factors. The petitioners proposed to limit the term of site-specific rules and exemptions to five years as well as to require inclusion and consideration of additional information in applications for NPDES and pretreatment permits. This proposal also requests the addition of a watershed planning process, which would require development of a comprehensive watershed plan for waterbodies that contain chemical contaminants in excess of water quality standards or which fail to meet newly proposed biological integrity standards.

The Board has made no decision on the merits of the proposal.

4) Statutory Authority: Sections 13 and 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Board anticipates scheduling at least one public hearing in the first quarter of 1993. Interested persons may contact the hearing officer listed in item 7, below, to be added to the R92-8 notice list (which will insure notice of any hearings scheduled in this matter and receipt of any proposal which the Board adopts for first notice publication. In addition, written comments may be directed to the Clerk of the Board at James R. Thompson Center, 100 West Randolph Street, Suite 11-500, Chicago, IL 60601; please specify Docket No. R92-8.

6) Date agency anticipates submitting to the Index Department a Notice of

POLLUTION CONTROL BOARD

REGULATORY AGENDA

Proposed Amendments for publication in the Illinois Register: Summer, 1993, if the Board chooses to proceed at all.

7) Information concerning this regulatory agenda shall be directed to:

Kathleen M. Crowley, Senior Attorney
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
Telephone: 312-814-3620

8) Will these amendments affect small business, small municipalities or not for profit corporations? Any which may discharge toxic or bioaccumulative water pollutants.

9) Other pertinent information concerning these amendments: As the water regulations are inter-related, adoption of any segment of this proposal might also necessitate amendments to 35 Ill. Adm. Code 301, 303, 304, 306 and addition of a new 35 Ill. Adm. Code 313 for Watershed Planning rules.

PROPERTY TAX APPEAL BOARD

REGULATORY AGENDA

- 1) Heading of the Part: Procedures
- 2) Code Citation: 86 Ill. Adm. Code 1910
- 3) A description of the rule(s): None
- 4) Statutory Authority: 35 ILCS 200/16-180
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: None
- 7) Information concerning the regulatory agenda shall be directed to:
 Name: Property Tax Appeal Board
 Address: Wm. G. Stratton Bldg.
 Room 402
 401 South Spring
 Springfield, Illinois 62706-0002
 Telephone: (217)782-6076
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this rule (amendment, repealer):
 None

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

- 1) Heading of the Part: Aid to Families with Dependent Children
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Description of the rulemaking:
 The Department plans to propose rulemaking to require AFDC JOBS clients who are participating in approved JOBS post-secondary education programs to also work. The rulemaking will provide that JOBS clients approved for post-secondary degree programs must be working no later than 24 consecutive months after the start of the education program.
 The Department also plans to propose rulemaking to implement a non-custodial parent initiative, requiring non-custodial parents of AFDC children to participate in Earnfare. The rulemaking will provide for the courts to require Earnfare participation in these cases and will specify that a portion of the individual's earnings, as determined by the courts, will go to the Department as payment for child support. Individuals ordered by a court to participate in Earnfare will be referred back to the court for non-cooperation. This initiative is expected to be implemented as a pilot program in the City of Chicago by October 1995.
 Based on changes in federal regulations, the Department plans to propose rulemaking to allow adults who are caring for a foster child in their home to qualify for AFDC (adult only). Coverage could include cash and medical assistance.
 Based on other changes in federal regulations, the Department plans to propose rulemaking to include German reparation payments as exempt income for determining AFDC eligibility. This change would also affect AFDC grant amounts for any individuals who receive such payments.
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rulemaking for publication in the Illinois Register: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

- 7) Information concerning this regulatory agenda shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

- 8) Will this rulemaking affect small business, small municipalities or not for profit corporations? The Department is unaware of any effect this rulemaking may have on small business, small municipalities or not for profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

- 9) Other pertinent information concerning this rulemaking: None

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Description of the rulemaking: The Department plans to propose amendments to increase the AAPD grant adjustment and the sheltered care rates. Both changes will increase grant amounts to recipients.
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rulemaking for publication in the Illinois Register: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.
- 7) Information concerning this regulatory agenda shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

- 8) Will this rulemaking affect small business, small municipalities or not for profit corporations? The Department is unaware of any effect this rulemaking may have on small business, small municipalities or not for profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

- 9) Other pertinent information concerning this rulemaking: None

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

1) Heading of the Part: Child Support Enforcement

2) Code Citation: 89 Ill. Adm. Code 160

3) Description of the rulemaking: The Department plans to propose rulemaking to implement the provisions of Senate Bill 1147 concerning the establishment of support obligations. The rulemaking will provide for administrative determinations of paternity when the mother and alleged father voluntarily acknowledge paternity or agree to be bound by the results of genetic testing. The rulemaking will also cover cases in which the alleged father has failed to respond to a notification of support obligation. In addition, the Department plans to propose rulemaking to comply with recent changes in the federal Social Security Act enacted in Public Law 103-432. The rulemaking will reduce the threshold for reporting information about past due child support to consumer reporting agencies. Under the rulemaking, the Department will report the names and amounts owed for individuals who owe at least two months past due support. Currently the rules provide for reporting only when the amount of past due support exceeds \$1000.

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rulemaking for publication in the Illinois Register: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

7) Information concerning this regulatory agenda shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
Telephone: (217) 524-3215

8) Will this rulemaking affect small business, small municipalities or not for profit corporations? The Department is unaware of any effect this rulemaking may have on small business, small municipalities or not for

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

9) Other pertinent information concerning this rulemaking: None

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

1) Heading of the Part: Demonstration Programs2) Code Citation: 89 Ill. Adm. Code 1703) Description of the rulemaking:

Three demonstration programs may be implemented by the Department through rulemaking. The Department plans to propose rulemaking to implement a pilot program to assist families receiving Aid to Families with Dependent Children (AFDC) by improving their children's attendance in elementary school. Families with children who are not attending school regularly will be referred to a community agency. In order to assist the agency in working with the family to improve attendance, the Department will assign the agency as the protective payee for the AFDC benefits the family receives. This pilot program will be implemented in early 1995.

The Department also plans to propose rulemaking to establish a post-employment demonstration project. The project is designed to evaluate whether providing counseling, supportive services, and job development for AFDC JOBS participants who enter employment will lead to an increase in job retention and a decrease in welfare recidivism.

In addition, the Department may propose rulemaking to implement a demonstration program limiting the eligibility for AFDC families in which the youngest child is 13 years of age or older to two years of assistance. Passage of authorizing legislation by the General Assembly and approval of a waiver by federal authorities would be required to implement this program. It is anticipated that a Chicago location will be selected to serve as the demonstration site for both experimental and control groups. Employed clients will not be subject to the time limit during the months of actual employment.

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rulemaking for publication in the Illinois Register: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

7) Information concerning this regulatory agenda shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
Telephone: (217) 524-3215

8) Will his rulemaking affect small business, small municipalities or not for profit corporations? The Department is unaware of any effect this rulemaking may have on small business, small municipalities or not for profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

9) Other pertinent information concerning this rulemaking: None

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

1) Heading of the Part: Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)

2) Code Citation: 89 Ill. Adm. Code 149

3) Description of the rulemaking: The Department plans to propose rulemaking to implement provisions of Public Act 88-554 regarding a system of integrated health care services. Recent Medicaid revisions enacted by the General Assembly are intended to create a managed care program to increase the availability of medical services, improve the quality of care, and control Medicaid costs. This managed care program, to be known as MediPlan Plus, will create broad changes in Illinois' Medicaid program and will impact significantly upon the delivery of hospital services. Therefore, the Department intends to propose amendments to 89 Ill. Adm. Code 149 to allow for reimbursement adjustments to hospitals under MediPlan Plus. Implementation of these provisions is anticipated by September 1995.

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rulemaking for publication in the Illinois Register: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

7) Information concerning this regulatory agenda shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
(217) 524-3215

8) Will this rulemaking affect small business, small municipalities or not for profit corporations? The Department is unaware of any effect this rulemaking may have on small business, small municipalities or not for profit corporations. The Department will accept any written comments concerning such effects that may be submitted in response to this regulatory agenda.

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

9) Other pertinent information concerning this rulemaking: None

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

1) Heading of the Part: Food Stamps

2) Code Citation: 89 Ill. Adm. Code 121

3) Description of the rulemaking:

The Department plans to propose rulemaking to change the way in which child support payments are considered for food stamp purposes. The rulemaking will allow a deduction from income for child support payments made by a household member to or for a non-household member if the member is legally obligated to make the child support payments.

The Department also plans to propose rulemaking to increase the standard utility allowance. The Department intends to implement this increase in July 1995.

In addition, the Department intends to propose rulemaking to increase the eligibility standards and coupon allotments in October 1995.

Also effective in October 1995, the Department plans to increase the standard deduction for each household, increase to \$247 per month the maximum excess shelter deduction amount, and increase to \$4600 the amount exempted when calculating the fair market value for licensed vehicles.

All of these changes are intended to maintain consistency with federal regulations governing food stamps (7 CFR 273), including recent changes in these regulations.

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

5) Schedule of dates for hearings, meetings, or other opportunities for public participation:

The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rulemaking for publication in the Illinois Register:

The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

7) Information concerning this regulatory agenda shall be directed to:

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

Name: Judy Umunna

Address: Bureau of Rules and Regulations

Illinois Department of Public Aid

100 South Grand Avenue East, Third Floor

Springfield, Illinois 62762

Telephone: (217) 524-3215

8) Will this rulemaking affect small business, small municipalities or not for profit corporations? The Department is unaware of any effect this rulemaking may have on small business, small municipalities or not for profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

9) Other pertinent information concerning this rulemaking: None

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

REGULATORY AGENDA

1) Heading of the Part: Hospital Services

9) Other pertinent information concerning this rulemaking: None

2) Code Citation: 89 Ill. Adm. Code 148

3) Description of the rulemaking: The Department plans to propose rulemaking to implement provisions of Public Act 88-554 regarding a system of integrated health care services. Recent Medicaid revisions enacted by the General Assembly are intended to create a managed care program to increase the availability of medical services, improve the quality of care, and control Medicaid costs. This managed care program, to be known as Mediplan Plus, will create broad changes in Illinois' Medicaid Program and will impact significantly upon the delivery of hospital services. Therefore, the Department intends to propose amendments to 89 Ill. Adm. Code 148 in order to specify the reimbursement methodology for hospital services provided in conjunction with Mediplan Plus. Implementation of these provisions is anticipated by September 1995.

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rulemaking for publication in the Illinois Register: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

7) Information concerning this regulatory agenda shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
(217) 524-3215

8) Will this rulemaking affect small business, small municipalities or not for profit corporations? The Department is unaware of any effect this rulemaking may have on small business, small municipalities or not for profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Description of the rulemaking:

Intermediate Sanctions for Long Term Care Facilities. The Department plans to propose rulemaking in coordination with the Department of Public Health to implement changes in federal regulations at 42 CFR 401, which will become effective July 1, 1995. These changes pertain to the extent to which the State can impose negative sanctions on a long term care facility for the purpose of moving the facility into compliance with applicable State and federal regulations. Current rules permit the use of sanctions such as fines, plans of correction and temporary receiverships when a facility has fallen out of compliance. When such sanctions do not result in a satisfactory remedy, the State has no other recourse except termination of the facility from the Medical Assistance Program. The new federal regulations expand upon the availability of sanctions for moving facilities into full regulatory compliance and avoiding the necessity of termination. This greater array of more forceful sanctions will be known as intermediate sanctions and will include heavier monetary penalties and extensive holding of admissions. Intermediate sanctions will provide State entities with more tools which can be employed in working with marginal facilities and correcting deficiencies.

Pharmacy Services. The Department plans to propose rulemaking to implement requirements under Public Act 88-554 concerning pharmacy services. Under the rulemaking, pharmacy claims for reimbursement from the Department for prescription drugs will be required to include the name of the prescribing physician. This rulemaking will be intended to curb certain abuses involving the dispensing of prescription items in the absence of the prescriber's name. The amendments will concur with requirements under the Pharmacy Act. The Department also plans to propose other changes in the Department's pharmacy program to discourage abuse and overutilization through an expansion of the refill-too-soon program, simplify billing processes, and redefine usual and customary charges according to current average costs. Implementation of these later changes is anticipated for July 1995.

Suspension and Termination of Providers. The Department plans to propose rulemaking to implement provisions under Public Act 88-554 concerning provider compliance with various State requirements, including payment of State income tax, child support payments and repayment of education loans guaranteed by the State of Illinois. This rulemaking will apply to providers enrolled in the Medical Assistance Program such as physicians, dentists and podiatrists, who deliver services to clients. In some cases, such providers fail to fulfill their personal obligations regarding State requirements, while they are receiving State payments for services to

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

Medicaid clients. The proposed amendments will provide the Department with the authority to suspend and terminate such providers from the Medical Assistance Program.

Medicaid Services Access Restrictions. Based on other provisions of Public Act 88-554, the Department plans to propose rulemaking to restrict access to medical care for certain clients. In some cases, clients engage in excessive use of Medicaid funded services such as visiting many physicians for the same ailment, utilizing multiple pharmacies to fill prescriptions written by such practitioners and using emergency services for non-emergency conditions. Current provisions under the Department's recipient restriction program allow for limiting an abusive client to the services of one physician for a period of one year. Following an extensive review of the results of this program and other issues relating to recipient abuse of Medicaid services, the Department plans to propose rulemaking which will impose restraints upon certain clients for periods exceeding one year. Other restrictions may also be employed.

Exceptional Care Program. The Department also plans to propose rulemaking to change the enrollment and rate setting processes which are employed in the exceptional care program. Under this program, the Department makes payments to nursing facilities for the care of residents who require a multi-disciplinary level of medical and nursing services that involves exceptional costs related to extraordinary equipment and supplies. Currently, Department professional nursing staff are involved in time consuming tasks related to rate setting analysis for each exceptional care client. The proposed rulemaking for exceptional care reimbursement will employ the rate methodology which is used for all Medicaid funded nursing home residents, plus an exceptional care add-on. It is anticipated that these changes will simplify exceptional care rate setting, increase access to exceptional care, and provide Department nursing staff with more time to address quality of care issues.

Downsizing of Facilities for Persons with Developmental Disabilities. Based on changes under Public Act 87-996, the Department plans to propose rulemaking to promote the downsizing of intermediate care facilities for persons with developmental disabilities (ICF/MR). Because of Public Act 87-996, oversight responsibility for the ICF/MR program has been transferred to the Department of Mental Health and Developmental Disabilities. The Department of Public Aid, as the Single State Agency, has retained payment responsibility for such facilities. Further changes are needed to assist providers in moving clients with developmental disabilities away from large institutional settings and into smaller, home-like community environments. The Department plans to propose downsizing provisions into the reimbursement structure which will incorporate incentives for providers of ICF/MR services to create such home-like facilities. Implementation of the downsizing provisions is anticipated for July 1995.

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

Nurse Practitioners. Based on changes in federal regulations imposed by OBRA '90, the Department plans to propose rulemaking for reimbursement under the Medical Assistance Program for services provided by certified pediatric and certified family nurse practitioners. The rulemaking will specify criteria regarding education and training, licensing and certification which nurse practitioners will be required to meet in order to participate in the program. The rulemaking will also require eligible nurse practitioners to maintain an oversight agreement with a physician who is authorized to practice medicine in all of its branches. Implementation of these provisions is anticipated for July 1995.

MediPlan Plus and Healthy Moms/Healthy Kids. The Department plans to propose rulemaking to implement provisions of Public Act 88-554 concerning a system of integrated health care services. This managed care program, to be known as MediPlan Plus, will create broad changes in Illinois' Medicaid Program, including extensive changes in the Healthy Moms/Healthy Kids programs which are described in Part 140. Utilizing managed care principles, the rulemaking will provide for an increase in the availability of Healthy Moms/Healthy Kids services, improve the quality of medical care, and control Medicaid costs.

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rulemaking for publication in the Illinois Register: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

7) Information concerning this regulatory agenda shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

8) Will this rulemaking affect small business, small municipalities or not for profit corporations? The Department is unaware of any effect this

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

rulemaking may have on small business, small municipalities or not for profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

9) Other pertinent information concerning this rulemaking: None

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

- 1) Heading of the Part: MediPlan Plus
- 2) Code Citation: 89 Ill. Adm. Code 142
- 3) Description of the rulemaking: The Department plans to propose rulemaking to implement provisions of Public Act 88-554 regarding a system of integrated health care services. Recent Medicaid revisions enacted by the General Assembly are intended to create a managed care program to increase the availability of medical services, improve the quality of care, and control Medicaid costs. This managed care program, to be known as MediPlan Plus, will create broad changes in Illinois' Medicaid Program. The Department plans to adopt the primary rules for this program as new Part 142. MediPlan Plus will serve over one million Medicaid clients with a choice of health maintenance organizations, primary care physicians, managed care community networks, federally qualified health centers, rural health clinics, and insurance companies. The provisions in 89 Ill. Adm. Code 142 are intended to reflect the focus of the managed care legislation to assure that Illinois has an effective and affordable health care system in place for the benefit of clients, the health care community, and taxpayers. Dependent on federal approval of a waiver for the program, implementation of this rulemaking is anticipated by September 1995.
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rulemaking for publication in the Illinois Register: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.
- 7) Information concerning this regulatory agenda shall be directed to:

Joanne Jones
 Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 (217) 524-3215
- 8) Will this rulemaking affect small business, small municipalities or not

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

- for profit corporations? The Department is unaware of any effect this rulemaking may have on small business, small municipalities or not for profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- 9) Other pertinent information concerning this rulemaking: None

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Description of the rulemaking:
The Department plans to propose rulemaking to implement an electronic benefits transfer (EBT) project in 1995. The rulemaking will allow clients to receive cash benefits electronically. Individuals in cash assistance programs including Aid to Families with Dependent Children (AFDC), Aid to the Aged, Blind or Disabled (AABD), and Refugees Repatriate Assistance (RRA) and individuals receiving child support pass-through payments will be enrolled in the EBT project.

Under the EBT project, clients will use an electronic card to withdraw funds against their cash assistance amounts. The process will be similar to standard automatic teller machine (ATM) withdrawals, except that the funds will come from a public aid account instead of a bank account. Food stamp benefits will also be included in the EBT project. Clients purchasing food will use the card in grocery stores and the value of their food purchases will be deducted from their food stamp account. The EBT project is intended to reduce the costs associated with vouchers, paper coupons, checks, check cashing services, and paper processing. The Department will monitor and evaluate the results of the project.

The Department also plans to propose rulemaking to allow direct deposit of payments to protective payees. Under this rulemaking, individuals who are receiving payments as protective payees for recipients will be able to have the warrants deposited electronically. This change will enhance the security of these funds.

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rulemaking for publication in the Illinois Register: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

- 7) Information concerning this regulatory agenda shall be directed to:

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

- 1) Heading of the Part: Refugee/Entrant/Repatriate Program
- 2) Code Citation: 89 Ill. Adm. Code 115
- 3) Description of the rulemaking: Based on anticipated changes in federal regulations, the Department plans to propose rulemaking to extend medical eligibility to refugees who lose medical assistance as a result of their employment. The Department intends to propose such rulemaking following publication of final federal regulations.

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rulemaking for publication in the Illinois Register: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

- 7) Information concerning this regulatory agenda shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

- 8) Will this rulemaking affect small business, small municipalities or not for profit corporations? The Department is unaware of any effect this rulemaking may have on small business, small municipalities or not for profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

- 9) Other pertinent information concerning this rulemaking: None

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

Name: Judy Umunna
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

8) Will this rulemaking affect small business, small municipalities or not for profit corporations? The Department is unaware of any effect this rulemaking may have on small business, small municipalities or not for profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

9) Other pertinent information concerning this rulemaking: None

DEPARTMENT OF PUBLIC AID

REGULATORY AGENDA

1) Heading of the Part: Rights and Responsibilities

2) Code Citation: 89 Ill. Adm. Code 102

3) Description of the rulemaking: The Department plans to propose rulemaking to comply with federal requirements for voter registration. The National Voter Registration Act of 1993 (Public Law 103-31) requires the Department to assist individuals who apply for public assistance to register to vote. The rulemaking will provide for assistance in completing voter registration forms and in transmitting those completed forms to the appropriate election officials.

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rulemaking for publication in the Illinois Register: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

7) Information concerning this regulatory agenda shall be directed to:

Name: Judy Umunna
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

8) Will this rulemaking affect small business, small municipalities or not for profit corporations? The Department is unaware of any effect this rulemaking may have on small business, small municipalities or not for profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

9) Other pertinent information concerning this rulemaking: None

DEPARTMENT OF REHABILITATION SERVICES
REGULATORY AGENDA

- 1) Heading of the Part: Advisory Councils
- 2) Code Citation: 89 Ill. Adm. Code 515
- 3) A description of the rule(s): Amendments to this Part are anticipated to be necessary to address specific clarifications which result from the Federal Regulations issued as a result of the 1992 Amendments to the Rehabilitation Act of 1973.
- 4) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Within three months of the date of the issuance of the above referenced Federal Regulations.
- 7) Information concerning this regulatory agenda shall be directed to:
Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer):
No other information regarding this rulemaking is determined to be necessary at this time.

DEPARTMENT OF REHABILITATION SERVICES
REGULATORY AGENDA

- 1) Heading of the Part: Appeals and Hearings
- 2) Code Citation: 89 Ill. Adm. Code 510
- 3) A description of the rule(s):
 - a) Amendments to this Part are anticipated to ensure clarity of the rules governing DORS' customer grievance procedures and to ensure compliance with the Federal Regulations governing the Vocational Rehabilitation Program which are a result of the 1992 Amendments to the Rehabilitation Act of 1973.
 - b) Amendments to this Part are anticipated to clarify inclusion of school appeals.
- 4) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register:
 - a) Within three months of the issuance of the Federal Regulation referenced above.
 - b) Summer 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer):
No other information regarding this rulemaking is determined necessary at this time.

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Application
- 2) Code Citation: 89 Ill. Adm. Code 557
- 3) A description of the rule(s): Amendments to this Part are anticipated to be necessary to address specific clarifications which result from the Federal Regulations issued as a result of the 1992 Amendments to the Rehabilitation Act of 1973.
- 4) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Within three months of the date of the issuance of the above referenced Federal Regulations.
- 7) Information concerning this regulatory agenda shall be directed to:
Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer):
No other information regarding this rulemaking is determined to be necessary at this time.

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Assessment for Determining Eligibility and Rehabilitation Needs
- 2) Code Citation: 89 Ill. Adm. Code 553
- 3) A description of the rule(s):
 - a) Amendments to this Part are anticipated to be necessary to address specific clarifications which result from the Federal Regulations issued as a result of the 1992 Amendments to the Rehabilitation Act of 1973.
 - b) Amendments are anticipated to Sections 553.70 and .100 which clarify that the Comprehensive Assessment of Rehabilitation Needs is required only when the initial determination of eligibility does not provide enough information on which to base the customer's service needs and vocational objective.
 - c) Amendments to Section 553.130 and .140 and the addition of new Section 553.150 is anticipated which will implement DORS' rules on Order of Selection.
 - d) Amendments to Section 553.60 are anticipated to clarify the use of Special Education records in the eligibility determination process.
- 4) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Within three months of the date of the issuance of the above referenced Federal Regulations.
- 7) Information concerning this regulatory agenda shall be directed to:
Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

- 9) Other pertinent information concerning this rule (amendment, repealer):
No other information regarding this rulemaking is determined to be necessary at this time.

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Centers for Independent Living
- 2) TCode Citation: 89 Ill. Adm. Code 885
- 3) A description of the rule(s): Amendments to this Part are anticipated to be necessary to address specific clarifications which result from the Federal Regulations issued as a result of the 1992 Amendments to the Rehabilitation Act of 1973.
- 4) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: March, 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer):
No other information regarding this rulemaking is determined to be necessary, at this time.

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Client Financial Participation
- 2) Code Citation: 89 Ill. Adm. Code 562
- 3) A description of the rule(s): Amendments to this Part are anticipated to be necessary to address specific clarifications which result from the Federal Regulations issued as a result of the 1992 Amendments to the Rehabilitation Act of 1973.
- 4) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Within three months of the date of the issuance of the above referenced Federal Regulations.
- 7) Information concerning this regulatory agenda shall be directed to:
Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer):
No other information regarding this rulemaking is determined to be necessary, at this time.

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Closure
- 2) Code Citation: 89 Ill. Adm. Code 617
- 3) A description of the rule(s):
a) Amendments to this Part are anticipated to be necessary to address specific clarifications which result from the federal regulations issued as a result of the 1992 Amendments to the Rehabilitation Act of 1973.
b) Amendments are anticipated which will implement rules governing closure of cases when the customer is threatening and/or has committed acts of violence against an employee or agent of DORS.
- 4) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register:
a) Within three months of the date of the issuance of the above referenced federal regulations.
b) March, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer):
No other information regarding this rulemaking is determined to be necessary, at this time.

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Comparable Benefits
- 2) Code Citation: 89 Ill. Adm. Code 567
- 3) A description of the rule(s): Amendments to this Part are anticipated to be necessary to address specific clarifications which result from the Federal Regulations issued as a result of the 1992 Amendments to the Rehabilitation Act of 1973.
- 4) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Within three months of the date of the issuance of the above referenced Federal Regulations.
- 7) Information concerning this regulatory agenda shall be directed to:
Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer):
No other information regarding this rulemaking is determined to be necessary, at this time.

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Confidentiality
- 2) Code Citation: 89 Ill. Adm. Code 505
- 3) A description of the rule(s): Amendments to this Part are necessary to clarify DORS' rules governing release of customer mental health records.
- 4) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Summer 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer):
No other information regarding this rulemaking is determined to be necessary at this time.

DEPARTMENT OF REHABILITATION SERVICES
REGULATORY AGENDA

- 1) Heading of the Part: Eligibility
- 2) Code Citation: 89 Ill. Adm. Code 682
- 3) A description of the rule(s): Amendments to this Part are anticipated because Department of Public Aid will not accept a medicaid application on 1b. CHRP and VA will not allow applicable customers to apply for Medicaid and will terminate their benefits if the customer so applies.
- 4) Statutory Authority: The Disabled Persons Rehabilitation Act (20 ILCS 2405).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Summer 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer):
No other information regarding this rulemaking is determined to be necessary, at this time.

DEPARTMENT OF REHABILITATION SERVICES
REGULATORY AGENDA

- 1) Heading of the Part: Criteria for the Evaluation of Programs of Services in Community Rehabilitation Programs
- 2) Code Citation: 89 Ill. Adm. Code 530
- 3) A description of the rule(s): Amendments to this Part are anticipated to be necessary to address specific clarifications which result from the federal regulations issued as a result of the 1992 Amendments to the Rehabilitation Act of 1973.
- 4) Statutory Authority: The Disabled Persons Rehabilitation Act (20 ILCS 2405).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Within three months of the date of the issuance of the above referenced federal regulations.
- 7) Information concerning this regulatory agenda shall be directed to:
Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer): No other information regarding this rulemaking is determined to be necessary, at this time.

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Illinois Children's School and Rehabilitation Center's Respite Program
- 2) Code Citation 89 Ill. Adm. Code 787
- 3) A description of the rule(s): Amendments to this Part are anticipated to revise the "School Respite Program" appeals rules.
- 4) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Summer 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer): No other information regarding this rulemaking is determined to be necessary at this time.

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Impartial Due Process Hearing
- 2) Code Citation: 89 Ill. Adm. Code 800
- 3) A description of the rule(s): Amendments to this Part are anticipated to clarify the student appeals process at DORS' schools.
- 4) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Summer 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer): No other information regarding this rulemaking is determined to be necessary at this time.

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Individualized Written Rehabilitation Program (IWrp)
- 2) Code Citation 89 Ill. Adm. Code 572
- 3) A description of the rule(s): Amendments to this Part are anticipated to be necessary to address specific clarifications which result from the federal regulations issued as a result of the 1992 Amendments to the Rehabilitation Act of 1973.
- 4) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Within three months of the date of the issuance of the above referenced federal regulations.
- 7) Information concerning this regulatory agenda shall be directed to:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429

- 8) Will this rule (amendment, repeal) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repeal): No other information regarding this rulemaking is determined to be necessary, at this time.

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Non-Academic Programs and Policies
- 2) Code Citation 89 Ill. Adm. Code 830
- 3) A description of the rule(s):
 - a) Amendments to this Part are anticipated and the establishment of new Parts are anticipated to allow the Department of Rehabilitation Services Schools to collect fees.
 - b) Amendments to this Part are anticipated to clarify responsibility for the payment of health care expenses of the Department of Rehabilitation Services school students.
 - c) Establishment of a new Part is anticipated to clarify policy on records, record retention and dissemination.
- 4) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Summer 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429
- 8) Will this rule (amendment, repeal) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repeal): No other information regarding this rulemaking is determined to be necessary, at this time.

DEPARTMENT OF REHABILITATION SERVICES
REGULATORY AGENDA

1) Heading of the Part: Provider Requirements, Type Services, and Rates of Payment

2) Code Citation: 89 Ill. Adm. Code 686

3) A description of the rule(s):

a) Amendments to this Part are necessary to revise the Case Management Services to Persons with AIDS rules due to the federal renewal of the Medicaid Waiver.

b) Amendments to this Part are necessary to revise the upcoming Health Care Financing Administration (HCFA) requirements that HSP Waiver providers sign a three-party agreement to enroll as a Medicaid Provider.

4) Statutory Authority: The Disabled Persons Rehabilitation Act (20 ILCS 2405).

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act (5 ILCS 100) as amended by P.A. 88-667.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Summer 1995.

7) Information concerning this regulatory agenda shall be directed to:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429

8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.

9) Other pertinent information concerning this rule (amendment, repealer): No other information regarding this rulemaking is determined to be necessary at this time.

DEPARTMENT OF REHABILITATION SERVICES
REGULATORY AGENDA

1) Heading of the Part: Projects with Industry

2) Code Citation: 89 Ill. Adm. Code 640

3) A description of the rule(s): Amendments to this Part are anticipated to be necessary to address specific clarifications which result from the federal regulations issued as a result of the 1992 Amendments to the Rehabilitation Act of 1973.

4) Statutory Authority: The Disabled Persons Rehabilitation Act (20 ILCS 2405).

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act (5 ILCS 100) as amended by P.A. 88-667.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Within three months of the date of the issuance of the above referenced federal regulations.

7) Information concerning this regulatory agenda shall be directed to:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429

8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.

9) Other pertinent information concerning this rule (amendment, repealer): No other information regarding this rulemaking is determined to be necessary at this time.

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Rules of Conduct
- 2) Code Citation 89 Ill. Adm. Code 827
- 3) A description of the rule(s): Amendments to this Part are anticipated to clarify the student appeals process at DORS' schools.
- 4) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Summer 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429
- 8) Will this rule (amendment, repeal) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repeal):
No other information regarding this rulemaking is determined to be necessary, at this time.

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Services
- 2) Code Citation 89 Ill. Adm. Code 590
- 3) A description of the rule(s):
 - a) Amendments to this Part are anticipated to be necessary to address specific clarifications which result from the federal regulations issued as a result of the 1992 Amendments to the Rehabilitation Act of 1973.
 - b) It is anticipated that an entire rewrite of Subchapter D - Tools, Equipment, Supplies, and Initial Stock will be completed which totally revises the Business Enterprise Program.
- 4) Statutory Authority: The Disabled Persons Rehabilitation Act (20 ILCS 2405).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register:
 - a) Within three months of the date of the issuance of the above referenced federal regulations.
 - b) Late Summer 1995.
- 7) Information concerning this regulatory agenda shall be directed to:
Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429
- 8) Will this rule (amendment, repeal) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repeal):
No other information regarding this rulemaking is determined to be necessary, at this time.

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: State-Operated or Private Programs
- 2) Code Citation: 89 Ill. Adm. Code 790
- 3) A description of the rule(s): Revision of existing Parts dealing with parental response to modifications of a child's "Individualized Education Program" and "time frames for DORS" response.
- 4) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Summer 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer): No other information regarding this rulemaking is determined to be necessary at this time.

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Therikelsen-Hansen College Loan Fund
- 2) Code Citation: 89 Ill. Adm. Code 835
- 3) A description of the rule(s): Amendments to this Part are anticipated to develop rules to administer the Therikelsen-Hansen Loan fund for Deaf and Hard of Hearing students.
- 4) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Summer 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer): No other information regarding this rulemaking is determined to be necessary, at this time.

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

- 1) Heading of the Part: Vending Facility Program For The Blind
- 2) Code Citation: 89 Ill. Adm. Code 650
- 3) A description of the rule(s): Revision to existing Parts to clarify meaning.
- 4) Statutory Authority: The Randolph-Sheppard Vending Stand Act (20 ILCS 2420/1).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act (5 ILCS 100) as amended by P.A. 88-667.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Summer 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer):
No other information regarding this rulemaking is determined to be necessary, at this time.

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

REGULATORY AGENDA

- 1) Heading of the Part: Residential Mortgage License Act of 1987
- 2) Code Citation: 38 Ill. Adm. Code 1050
- 3) Description of Rules:
 - a) Section 1050.140, "Employee": Will propose amendments to the definition of employee of a licensee for purposes of Section 1-4(d)(3) of the Act. 205 ILCS 635/1-1.
 - b) Section 1050.210, "License Investigation Fee": Will propose amendments to the license application investigation fee requirements.
 - c) Section 1050.220, "License Fee": Will propose amendments to the license fee requirements.
 - d) Section 1050.230, "Amended License Fees - Corporate Changes": Will propose amendments to requirements for fees required for amending a license due to licensee corporate changes as described in Section 1050.480 of this Part.
 - e) Section 1050.290, "Manner of Payment": Will propose amendment to require the licensee's name and number on checks that it submits to the agency.
 - f) Section 1050.320, "Application for Renewal of an Illinois Residential Mortgage License": Will propose amendments to the requirements for fees required as part of license renewal.
 - g) Section 1050.410, "Net Worth": Will propose to add an explicit statement of the amount of net worth requirement for residential mortgage brokers.
 - h) Section 1050.425, "Examination Frequency": Will propose amendments to the requirements for frequency and manner of examination of licensees.
 - i) Section 1050.430, "Late Audit Reports": Will propose amendments to the requirements for fees for a licensee's late audit reports and requirements for requesting extensions for submitting audit reports.
 - j) Section 1050.470, "Proceedings Affecting a License": Will propose amendments to the requirements for reporting legal proceedings involving the licensee that could affect the licensee's authority to do business.
 - k) Section 1050.480, "Changes of Ownership, Control or Name or Address of Licensee": Will propose amendments to the requirements for

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

REGULATORY AGENDA

providing notice to the agency of licensee corporate changes.

- 1) Subpart E, "Annual Report of Mortgage Activity, Mortgage Brokerage Activity and Mortgage Servicing Activity": Will propose amendments to the requirements on the licensee to file reports on mortgage activity, mortgage brokerage activity, and mortgage servicing requirements.
- m) Subpart F, "Foreclosure Rates": Will propose amendments to the requirements for reporting and determining residential mortgage foreclosure rates and related agency authority.
- n) Section 1050.1010(d), "Loan Brokerage Agreement": Will propose amendments to the requirement for licensee loan brokerage agreements including statement of fees that the borrower is obligated to pay.
- o) Section 1050.1110, "Borrower Information Document": Will propose amendments to the requirements for the licensee borrower information document, including requiring a statement that the licensee does not illegally discriminate.
- p) Section 1050.1335, "Fees and Charges Prior to Closing": Will propose amendments to the requirements and authority of the licensee to receive monies from borrowers prior to loan closing and authority to retain monies if the loan does not close.

4) Statutory Authority: Authorized by the Residential Mortgage License Act of 1987. 205 ILCS 636/1-1 et seq.

5) Schedule of dates for hearing, meetings, or other opportunities for public participation: None scheduled.

6) Dates agency anticipates submitting to the Index Department a Notice of Proposed rules (Amendment, Repealer) for publication in the Illinois Register: First half of 1995.

7) Information and question regarding this regulatory agenda shall be directed to:

Mr. Jay Stevenson, Chief Deputy Commissioner
Office of the Commissioner of Savings and Residential Finance
500 East Monroe, Suite 800
Springfield, Illinois 62701-1509
(217) 782-6169

8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

REGULATORY AGENDA

- 9) Other pertinent information concerning this rules (amendment, repealer):
None.

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

REGULATORY AGENDA

1) Heading of the Part: Savings Bank Act

2) Code Citation: 38 Ill. Adm. Code 1075

3) Description of the Rules:

a) Subpart A, "Fillings": Propose to create new Section, "Guidelines for Processing Conversions to Savings Bank Charter" which would establish timelines for processing applications to convert to Illinois savings bank charter.

b) Subpart N, "Acquisition of Control of Savings Bank": Propose amendments to Section 1075.1700 to permit certain waivers or exemptions from the prerequisite application and approval requirements for acquiring control of an Illinois savings bank.

c) Subpart O, "Conversion of Mutual Savings Bank to Capital Stock Savings Bank": Will submit Emergency Amendments, simultaneously with Proposed Amendments to Sections 1075.1810, 1075.1820, 1075.1885, 1075.2040, 1075.2045, 1075.2240, and 1075.2370. The Federal Deposit Insurance Corporation's (Illinois savings bank's primary federal regulator) has asserted review and approval authority over mutual-to-stock conversions. Subpart O was originally promulgated when the FDIC required only notice of the conversion. Now, Subpart O requires FDIC approval before the Commissioner may, as far as his authority is concerned, permit the conversion applicant to commence a stock offering. This requirement was not intended and disadvantages Illinois savings banks vis a vis federal and Illinois savings associations. The amendments are intended only to return Illinois savings banks to an equal footing.

d) Subpart P, "Ethics": Propose to create new subpart, Subpart P, to establish standards of conduct for employees of the agency.

4) Statutory Authority: Authorized by the Savings Bank Act, 205 ILCS 205/100i et seq.

5) Schedule of date for hearings, meetings, or other opportunities for public participation: None scheduled.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: First quarter of 1995.

7) Information concerning this regulatory agenda shall be directed to:

Mr. Jay R. Stevenson, Chief Deputy Commissioner
Office of the Commissioner of Savings and Residential Finance

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

REGULATORY AGENDA

500 East Monroe, Suite 800
Springfield, Illinois 61701-1509
(217) 782-6169

8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.

9) Other pertinent information concerning this rule (amendment, repealer):
None.

SECRETARY OF STATE

REGULATORY AGENDA

- 1) Heading of the Part: Beat Auto Theft (B.A.T.) Program
- 2) Code Citation: 92 Ill. Adm. Code 0003
- 3) A description of the rule(s): Pursuant to P.A. 88-588 the Secretary of State shall issue a school bus driver permit to applicants who have met all of the requirements. Applicants shall obtain proper application required by the Secretary of State from prospective or current employer, along with necessary fingerprint cards required by the Department of Police to conduct fingerprint based criminal background checks. Individuals who on the effective date of the Act possess a valid school bus driver permit, and do not let it lapse are not subject to the fingerprinting provisions. The employer is responsible for conducting a pre-employment interview and certifying to the Secretary of State the successful completion of background checks.
- 4) Statutory Authority: Section 6-106.1 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/6- 106.1) as amended by P.A. 88-588.
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Unknown
- 6) Date agency anticipates submitting to the Administrative Code publication in the Illinois Register: March 1, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Mark A. Novak
 Assistant Counsel
 Secretary of State's Office
 2701 S. Dirksen Parkway
 Springfield, IL 62723
 217/782-5356
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? The proposed rule will affect school bus companies and small municipalities that employ school bus drivers who are licensed by the Secretary of State.
- 9) Other pertinent information concerning this rule (amendment, repealer):

SECRETARY OF STATE

REGULATORY AGENDA

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) A description of the rule(s): Will be required to amend Title 92, Illinois Administrative Code, Chapter II, Section 1040.20, entitled "Illinois Offense Table", to reflect any changes or future changes to the Illinois Vehicle Code. Due to the frequency of changes, it is in the best interest of the department to amend the Traffic Offense Table periodically to reflect all the changes, rather than amending it every time there is a particular change.
- 4) Statutory Authority: Section 11-501.8 of the Rules of the Road of the Illinois Vehicle Code (625 ILCS 5/11-501.8) as added by P.A. 88-588. In addition, there may be other changes due to future legislation.
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Unknown
- 6) Date agency anticipates submitting to the Administrative Code publication in the Illinois Register: June, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Mark A. Novak
 Assistant Counsel
 Secretary of State's Office
 2701 South Dirksen Parkway
 Springfield, IL 62723
 217/782-5356
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? None
- 9) Other pertinent information concerning this rule (amendment, repealer):

SECRETARY OF STATE

REGULATORY AGENDA

- 1) Heading of the Part: Collection of Fees
- 2) Code Citation: 92 Ill. Adm. Code 1003
- 3) A description of the rule(s): Describe procedures to be taken by Secretary of State when audit fees are not paid by licensee and to provide for installment payments of audit fees. Delete the last sentence of Section 1003.30, paragraph (A).
- 4) Statutory Authority: 625 ILCS 5/2-124 and 5/6-201(3)
625 ILCS 5/6-201(3) for 92 Ill. Adm. Code 1003.30.
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Administrative Code publication in the Illinois Register: Not known
- 7) Information concerning this regulatory agenda shall be directed to:

Randall Leuschke
Department of Accounting Revenue
Secretary of State's Office
235 Howlett Building
Springfield, IL 62756

Bill Lewis (for 92 Ill. Adm. Code 1003.30)
Department of Accounting Revenue
Secretary of State's Office
235 Howlett Building
Springfield, IL 62756
217/782-3582
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? The proposed change may have impact on small businesses since it involves the collection of a registration fee and small businesses are licensed under the IRP. The requested change for 92 Ill. Adm. Code 1003.30 will not affect small business, municipalities or not for profit corporations.
- 9) Other pertinent information concerning this rule (amendment, repealer):

SECRETARY OF STATE

REGULATORY AGENDA

- 1) Heading of the Part: Commercial Driver Training Schools
- 2) Code Citation: 92 Ill. Adm. Code 1060
- 3) A description of the rule(s): Pursuant to P.A. 88-628 will be amending Title 92, Illinois Administrative Code, Chapter II, Section 1060.180(d), which prevents a driving instructor from obtaining a Certificate of Completion for student, unless they have received passing grades in 8 courses during the previous 2 semesters. Prevents dropout under 18 from obtaining a Certificate of Completion unless the instructor has written verification of enrollment in GED or alternative program or has a GED, or has prior to dropping out passed 8 courses in previous 2 semesters, or has written consent from dropout's parents or guardian. Superintendent of school may waive conditions, if deemed in the best interest of the student or dropout. Driving instructor must check with school to determine if student is eligible. In addition, we will be making minor amendments to all the CDL rules to clarify certain procedures.
- 4) Statutory Authority: Section 6-408.5 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/6-106.1) as amended by P.A. 88-628.
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Unknown
- 6) Date agency anticipates submitting to the Administrative Code publication in the Illinois Register: January 1, 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Mark A. Novak
Assistant Counsel
Secretary of State's Office
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? The proposed rule will affect small businesses who employ commercial driving instructors, who are licensed by the Secretary of State.
- 9) Other pertinent information concerning this rule (amendment, repealer):

SECRETARY OF STATE

REGULATORY AGENDA

- 1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) A description of the rule(s): Will be amending Title 92, Illinois Administrative Code, Chapter II, Section 1030.15, regarding certain changes to the procedures involving notification and compliance to a driver's license reexamination.

Will be amending Title 92, Illinois Administrative Code, Chapter II, Sections 1030.16 and 1030.18, regarding certain changes to the procedures involving the medical cancellation of driver's licenses.

Will be amending Title 92, Illinois Administrative Code, Chapter II, Section 1030.60, entitled "Third-Party Certification Program". The amendment is necessary to reflect the current changes in the industry.

4) Statutory Authority: Section 6-207 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/6-207) for 92 Ill. Adm. Code 1030.15.

Section 6-909 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/6-909) for 92 Ill. Adm. Code 1030.16.

Section 6-521 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/6-521) for 92 Ill. Adm. Code 1030.60.

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Unknown

6) Date agency anticipates submitting to the Administrative Code publication in the Illinois Register: June, 1995

7) Information concerning this regulatory agenda shall be directed to:

Mark A. Novak
Assistant Counsel
Secretary of State's Office
2701 South Dirksen Parkway
Springfield, IL 62723
217/782-5356

8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No

9) Other pertinent information concerning this rule (amendment, repealer):

SECRETARY OF STATE

REGULATORY AGENDA

- 1) Heading of the Part: Procedures and Standards

2) Code Citation: 92 Ill. Adm. Code 1001

3) A description of the rule(s): The amendment would adjust and modify certain sections of 92 Ill. Adm. Code 1001 to accommodate changes in our current method of doing business since the rules were last revised in May, 1993.

4) Statutory Authority: 625 ILCS 5/2-104

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The public will have an opportunity to comment on these rules during the first notice period.

6) Date agency anticipates submitting to the Administrative Code publication in the Illinois Register: This rulemaking will be proposed in the first half of the year 1995.

7) Information concerning this regulatory agenda shall be directed to:

Jay L. Wesi, Senior Legal Advisor
Department of Administrative Hearings
200 Howlett Building
Springfield, IL 62756

8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? At this time, the Department does not feel that this rulemaking will affect small businesses, not for profit corporations or small municipalities.

9) Other pertinent information concerning this rule (amendment, repealer): At this time, the Department is not aware of any further information which may serve the public interest.

SECRETARY OF STATE

REGULATORY AGENDA

- 1) Heading of the Part: Regulations Under Illinois Securities Law of 1953
- 2) Code Citation: 14 Ill. Adm. Code 130
- 3) A description of the rule(s): Amend to reflect the current addresses of the offices of the Securities Department; add a new section to recognize the Securities Registration Depository (SRD) for the registration and renewal electronically of securities, investment fund shares and unit investment trusts; amend to provide additional definitions and the current citation of the Illinois Securities Law of 1953 (the "Act"); amend to eliminate the requirement that a person be in existence for at least nine months and simplify the language; amend to provide for registration of securities by coordination through the SRD and to recognize filings on Form U-7 under certain conditions; amend to provide for the registration of securities by qualification through the SRD; amend to provide for the renewal of registration of securities through the SRD; amend to provide for the payment of fees through SRD; amend to provide for the filing of amendments through SRD; amend to provide for the withdrawal of registration through SRD; amend to provide for signature authority or verification through SRD; amend to provide for the filing of delaying amendments through SRD; amend to simplify the language; amend to provide for the abandonment of applications for registration through SRD; amend to provide for the payment of additional fees through SRD; amend to provide for the registration of face amount certificate contracts through SRD; added new section to provide for the registration by qualification of face amount certificate contracts; amend to provide for the renewal of registration of face amount certificate contracts through SRD; amend to provide for the payment of additional fees through SRD; amend to provide for the filing of amendmentary statements through SRD; add a new section to provide for the registration of investment fund shares by qualification, and through SRD; amend to provide for the renewal of registration of investment fund shares through SRD; amend to provide for the payment of fees through SRD; amend to eliminate the issuance of certificates of registration and their posting requirement; repeal as Section 130.805 to make the exemption self-executing; amend to eliminate the issuance of certificates of registration and their posting requirement; and amend to clarify what information or documents are not confidential and the persons who are authorized to release such information or document.

4) Statutory Authority: 815 ILCS 5/11(A)

- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department has submitted drafts of some of the proposed rulemaking to members of the Securities Advisory committee for review and comment. Prior to the filing of any proposed amendments or new sections, or repealing any sections, copies will be submitted to the Committee for review and comment. The Committee is comprised of

SECRETARY OF STATE

REGULATORY AGENDA

- 6) Date agency anticipates submitting to the Administrative Code publication in the Illinois Register: The Department has not anticipated date of filing at this time. It will do so after it has reviewed comments and worked with the Committee members to resolve any concerns.
- 7) Information concerning this regulatory agenda shall be directed to:
Michael A. Chizmar
Assistant Director
Illinois Securities Department
900 South Spring Street
Springfield, IL 62704
217/785-4941
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? The Department has determined that the proposed rulemaking should have no impact on small business, not-for-profit corporations or small municipalities.
- 9) Other pertinent information concerning this rule (amendment, repealer):

SECRETARY OF STATE

REGULATORY AGENDA

- 1) Heading of the Part: Rules of the Road - Handicapped Parking
- 2) Code Citation: 92 Ill. Adm. 1100
- 3) A description of the rule(s): To amend the handicapped parking rules so the Secretary of State's Office can administer the new handicapped parking legislation.
- 4) Statutory Authority: Implementing and authorized by Sections 3-616 of the Illinois Vehicle Title and Registration Law and Section 11-1301.2 of the Illinois Rules of the Road (Ill. Rev. Stat. 1985, Ch. 95 1/2, pars. 3-616 and 11-1301.2).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: N/A
- 6) Date agency anticipates submitting to the Administrative Code publication in the Illinois Register: Not determined at this time.
- 7) Information concerning this regulatory agenda shall be directed to:

Tracy Blackburn
Special Plates Division
Department of Vehicle Services
Secretary of State's Office
520 Howlett Building
Springfield, IL 62756
217/782-7758

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Currently municipalities have the option to issue their own handicapped cards as long as they conform to the new standards. But due to cost increases, some municipalities may choose to have the Secretary of State's Office issue the parking cards. The Vehicle Services Department is already experiencing this situation.
- 9) Other pertinent information concerning this rule (amendment, repealer):

SECRETARY OF STATE

REGULATORY AGENDA

- 1) Heading of the Part: Safe Ride
- 2) Code Citation: 92 Ill. Adm. Code 0004
- 3) A description of the rule(s): Create rules to implement P.A. 88-128.
- 4) Statutory Authority: 625 ILCS 5/4-109
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None
- 6) Date agency anticipates submitting to the Administrative Code publication in the Illinois Register: Not known
- 7) Information concerning this regulatory agenda shall be directed to:
Robert B. Powers
Assistant Counsel
Secretary of State's Office
298 Howlett Building
Springfield, IL 62756
217/785-3094
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? The rules will not affect the above.
- 9) Other pertinent information concerning this rule (amendment, repealer):

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 27, 1994 through January 2, 1995 and have been scheduled for review by the Committee at its February 14, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
2/10/95	Department of Revenue, Income Tax (86 Ill Adm Code 100)	10/21/94 18 Ill Reg 15546	1/10/95

PROCLAMATIONS
95-687
CRITICAL CARE NURSE WEEK

Whereas, critical care nurses are registered professional nurses who give critically ill patients optimal care through their individual professional accountability, thorough knowledge of the interrelatedness of body systems, and appreciation of the collaborative role of members of the health care team; and Whereas, the American Association of Critical Care Nurses (AACN) was established in 1969 to assist members of this profession in keeping abreast of the technical advancements of the critical care environment; and Whereas, AACN currently has more than 78,000 members nationwide, including more than 3,600 in Illinois; and

Whereas, in addition to basic preparation, critical care nurses must have advanced knowledge of psychosocial, physiological, and therapeutic components specific to the care of the critically ill. The CCRN Certification, obtained only after passing a comprehensive examination and acquiring professional experience, is the national recognition of professional proficiency in critical care nursing;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 12-18, 1995, as CRITICAL CARE NURSE WEEK in Illinois.

Issued by the Governor December 13, 1994.

Filed with the Secretary of State December 30, 1994.

94-688
FINANCIAL LITERACY FOR YOUTH MONTH

Whereas, it is estimated that more than \$93 billion will be spent by teens this year and teens have access to more than 3.5 million credit cards; and Whereas, more than two-thirds of the nation's teens are concerned about their financial futures and high school seniors frequently are unprepared for many of the critical decisions they must make after they graduate; and

Whereas, nationally, for more than a quarter of a century, many Americans have been challenged to save even four percent of their income--in contrast with the 10 percent recommended by the majority of financial planners; and Whereas, the National Endowment for Financial Education and the Cooperative Extension System-USDA are sponsoring "Financial Literacy for Youth" Month to encourage educational programs to give young people the financial tools they need to live balanced, responsible and rewarding lives; and

Whereas, this public awareness effort will help teens learn about the financial planning process and contribute to their personal financial stability and, consequently, contribute to the financial stability of Illinois; and Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 1995 as FINANCIAL LITERACY FOR YOUTH MONTH in Illinois.

Issued by the Governor December 13, 1994.

Filed with the Secretary of State December 30, 1994.

94-689
NANCY TURNER DAY

Whereas, Nancy Turner of Jacksonville has announced her retirement as Director of the Clinical Laboratory of the Jacksonville Development Center

after more than 37 years of dedicated service with the Center; and

Whereas, she was born on April 22, 1939, the daughter of Charles and Pearl Zulauf, and attended Jacksonville High School and Illinois College; and
Whereas, Nancy and her husband, Kerry, are the loving parents of Jeff and Chad; and

Whereas, Nancy Turner has spent the past 37 years in the clinical laboratory at the Center, having started her career as a lab helper; and

Whereas, always concerned with the medical welfare of the residents of the facility, she has dedicated herself to ensuring quality health care and has earned the respect of all who have had the privilege of working with her; and

Whereas, her devotion and self-sacrificing commitment have been an inspiration to all;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 31, 1994, as NANCY TURNER DAY in Illinois and congratulate and applaud her as she retires after 37 years of dedicated service with the Jacksonville Developmental Center and extend sincere best wishes to her for the future.

Issued by the Governor December 19, 1994.

Filed with the Secretary of State December 30, 1994.

94-690

OPTICIANS MONTH

Whereas, good vision contributes immeasurably to the quality of life and full utilization of all our faculties; and

Whereas, more than 60 percent of all Americans need vision correction to see their best; and

Whereas, expertly made and fitted spectacles, contact lenses, and low-vision aids assure everyone the maximum possible use of their sight; and

Whereas, skilled professional dispensing opticians are an important part of the eyecare delivery system which includes frame and lens manufacturers, distributors, and eye doctors; and

Whereas, dispensing opticians are experts in the filling of prescriptions written by eye doctors; and

Whereas, dispensing opticians, through state licensure and voluntary national programs of competency certification, continually update their knowledge and skills; and

Whereas, dispensing opticians provide the essential competitive element in the eyewear marketplace that keeps eyewear within the reach of all; and

Whereas, January 1995 is being celebrated as National Opticians Month under the auspices of the Opticians Association of America and the opticians of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 1995 as OPTICIANS MONTH in Illinois and encourage all our citizens to acknowledge the important role dispensing opticians play in providing good eyesight for all.

Issued by the Governor December 19, 1994.

Filed with the Secretary of State December 30, 1994.

94-691

AFRICAN-AMERICAN HISTORY MONTH

Whereas, African-American History Month was initiated in 1926 by Carter G.

Woodson, founder of the Association for the Study of Afro-American Life and History; and

Whereas, African-American History Month pays respect to the Heritage of African-American people and promotes increased respect for law and order and a greater understanding of the functioning of religious institutions; and

Whereas, the observance of African-American History Month across America during February 1995 will highlight the progress African-Americans have made in the United States in leadership activities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1995 as AFRICAN-AMERICAN HISTORY MONTH in Illinois and urge everyone to pay tribute to the heritage and achievements of our African-American citizens.

Issued by the Governor December 28, 1994.

Filed with the Secretary of State December 30, 1994.

94-692

JOSEPHINE STASIAK DAY

Whereas, Josephine Stasiak will celebrate her 90th birthday on January 5, 1995; and

Whereas, she traveled from Siedziedza, Poland, to the United States with her parents when she was two-years-old; and

Whereas, Josephine is one of seven children and all the children, except one sister, live in the United States today; and

Whereas, Josephine met Joseph Stasiak in Butte, Montana, in 1923 and they married three months later at St. Joseph's Church; and

Whereas, the couple had two daughters, Annette and Helen, who were both born in Montana; and

Whereas, the family eventually moved to Chicago and Josephine and her daughter, Annette, still live in Tinley Park; and

Whereas, Josephine has nine grandchildren, 25 great-grandchildren, and five great great-grandchildren;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 5, 1995, as JOSEPHINE STASIAK DAY in Illinois in honor of her 90th birthday.

Issued by the Governor December 28, 1994.

Filed with the Secretary of State December 30, 1994.

NUCLEAR SAFETY, DEPARTMENT OF

32 Ill. Adm. Code 360 Use Of X-Rays In The Healing Arts Including Medical, Dental, Podiatry, And Veterinary Medicine (P-163) (E-273)

PUBLIC AID, DEPARTMENT OF

89 Ill. Adm. Code 140 Medical Payment (P-165)

PUBLIC HEALTH, DEPARTMENT OF

77 Ill. Adm. Code 845 Lead Poisoning Prevention Code (A-238)
77 Ill. Adm. Code 905 Private Sewage Disposal Code (W-287)
77 Ill. Adm. Code 510 Testing Of Breath, Blood And Urine For Alcohol And/Or Other Drugs (P-185)
77 Ill. Adm. Code 790 The Illinois Formulary For The Drug Product Selection Program (W-289) (W-290)

REHABILITATION SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 590 Services (P-28)

SECRETARY OF STATE

92 Ill. Adm. Code 1001 Procedures And Standards (P-34) (E-54)

NOTICE OF PUBLIC HEARINGS

LABOR, DEPARTMENT OF

56 Ill. Adm. Code 200; Illinois Minimum Wage Law (Repeal of)
56 Ill. Adm. Code 210; Minimum Wage Law

PUBLIC INFORMATION

AFFORDABLE HOUSING PROGRAM, ILLINOIS

Annual Plan Of The Advisory Commission

REGULATORY AGENDA

ABANDONED MINED LANDS RECLAMATION COUNCIL

Abandoned Mined Lands Reclamation; 62 Ill. Adm. Code 2501
Public Information, Rulemaking, And Organization; 2 Ill. Adm. Code 1500

Selection Of Contractors And Consultants; 44 Ill. Adm. Code 1150

AGRICULTURE, DEPARTMENT OF

Anhydrous Ammonia, Low Pressure Nitrogen Solutions, Equipment, Containers, And Storage Facilities; 8 Ill. Adm. Code 215
Farmland Preservation Act; 8 Ill. Adm. Code 700
Illinois Seed Law; 8 Ill. Adm. Code 230

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR* Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR*	S - Suspension ordered by JCAR*
Objections	W - Withdrawal to meet JCAR*
O - JCAR* Statement of Objections	Objections
RQ - Request for Correction	MR - Modification and Refusal
EC - Expedited Corrections	
*Joint Committee on Administrative Rules	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 255 Agrichemical Facilities (P-1)
8 Ill. Adm. Code 256 Lawncare Wash Water And Rinsate Collection (P-13)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

80 Ill. Adm. Code 2800 Travel (A-36)

COMPTROLLER MERIT COMMISSION

80 Ill. Adm. Code 100 Merit Commission Rules (A-206)

COMPTROLLER, OFFICE OF THE

74 Ill. Adm. Code 285 Claim Eligible To Be Offset (A-227)

CORRECTIONS, DEPARTMENT OF

20 Ill. Adm. Code 425 Chaplaincy (P-152)

FINANCIAL INSTITUTIONS, DEPARTMENT OF

38 Ill. Adm. Code 110 Consumer Installment Loan Act (A-44)
38 Ill. Adm. Code 160 Sales Finance Agency Act (A-49)

INDUSTRIAL COMMISSION

50 Ill. Adm. Code 7060 Judicial Review (RQ-292)

LABOR, DEPARTMENT OF

56 Ill. Adm. Code 250 Illinois Child Labor Law (P-19)

Vol. 19, Issue #2	ILLINOIS REGISTER CUMULATIVE INDEX	January 13, 1995
74	Illinois State Fair, And Duquoin State Fair, Non-Fair Space Rental And The General Operation Of The State Fairgrounds; 8 Ill. Adm. Code 270	311
75	Weights And Measures Act; 8 Ill. Adm. Code 600	313
	AUDITOR GENERAL	315
76	Code Of Regulations; 74 Ill. Adm. Code 420	317
77	Code Of Rules; 74 Ill. Adm. Code 440	319
78	Purchases & Contracts; 44 Ill. Adm. Code 500	321
298	BANKS AND TRUST COMPANIES, COMMISSIONER OF	323
299	Blacklist Prohibition; 38 Ill. Adm. Code 302	325
300	Corporate Fiduciary Subsidiaries; 38 Ill. Adm. Code 396	326
301	Organization, Information And Rulemaking Procedures Of The Commissioner Of Banks And Trust Companies; 38 Ill. Adm. Code 301	327
302	Public Hearings On Acquisitions Of Illinois Banks Or Illinois Bank Holding Companies By Midwest Bank Holding Companies; 38 Ill. Adm. Code 390	328
303	Standards For Operation And Conduct Of Affairs Of Corporate Fiduciaries; 38 Ill. Adm. Code 399	329
306	CAPITAL DEVELOPMENT BOARD	330
307	Bidder Responsibility And Suspension Of Contractors; 44 Ill. Adm. Code 0017	331
308	Illinois Accessibility Code; 71 Ill. Adm. Code 400	332
309	Insurance And Surety Companies; 44 Ill. Adm. Code 1050	333
310	Prequalification And Suspension Of Contractors; 44 Ill. Adm. Code 950	335
311	CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	336
312	Acquisition, Management & Disposal Of Real Property; 44 Ill. Adm. Code 5000	338
313	Conditions Of Employment; 80 Ill. Adm. Code 303	339
314	Joint Rules Of The Comptroller And The Department Of Central Management Services: Prompt Payment; 74 Ill. Adm. Code 900	340
315	Merit And Fitness; 80 Ill. Adm. Code 302	341
316	Pay Plan; 80 Ill. Adm. Code 310	342
317	State Of Illinois Dependent Care Assistance Plan; 80 Ill. Adm. Code 2110	343
318	State Of Illinois Medical Care Assistance Plan; 80 Ill. Adm. Code 2120	344
319	State Vehicles And Garage; 44 Ill. Adm. Code 5040	
320	Travel; 80 Ill. Adm. Code 2800	
321	Travel Regulation Council; 80 Ill. Adm. Code 3000	
322	CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
323	Client Service Planning; 89 Ill. Adm. Code 305	
324	Confidentiality Of Personal Information Of Persons Served By The Department; 89 Ill. Adm. Code 431	
325	Foster Care Placement Goal; 89 Ill. Adm. Code 301	
326	Licensing Enforcement; 89 Ill. Adm. Code 383	
327	Licensing Standards For Child Care Institutions And Maternity Centers; 89 Ill. Adm. Code 404	
328	Licensing Standards For Child Welfare Agencies; 89 Ill. Adm. Code 401	
329	Licensing Standards For Foster Family Homes; 89 Ill. Adm. Code 402	
330	Licensing Standards For Group Homes; 89 Ill. Adm. Code 403	
331	Reports Of Child Abuse And Neglect; 89 Ill. Adm. Code 300	
332	Services Delivered By The Department; 89 Ill. Adm. Code 302	
333	Transfer Of Violent Juvenile Offenders To The Department Of Corrections; 89 Ill. Adm. Code 312	
334	COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF	
335	Economic Dislocation And Worker Adjustment Assistance; 56 Ill. Adm. Code 2625	
336	Illinois Small Business Development Program; 14 Ill. Adm. Code 570	
337	Industrial Training Program; 56 Ill. Adm. Code 2650	
338	Service Delivery System And State Responsibilities; 56 Ill. Adm. Code 2600	
339	State Administration Of The Federal Community Development Block Grant Program For Small Cities; 47 Ill. Adm. Code 110	
340	Training Services For The Disadvantaged; 56 Ill. Adm. Code 2610	
341	Uniform Fiscal And Administrative Standards For The Job Training Partnership Act; 56 Ill. Adm. Code 2630	
342	COMMERCE COMMISSION, ILLINOIS	
343	Federal Demand Management Investment Standard; 83 Ill. Adm. Code 0013	
344	Federal Energy Efficiency Investment Standard; 83 Ill. Adm. Code 0014	
345	Interconnection; 83 Ill. Adm. Code 790	
346	Least-Cost Planning For Electric Utilities; 83 Ill. Adm. Code 440	
347	Least-Cost Planning For Natural Gas Utilities; 83 Ill. Adm. Code 535	
348	Pay Telephone Providers; 83 Ill. Adm. Code 771	
349	Presubscription; 83 Ill. Adm. Code 0015	
350	Standard Filing Requirements For Electric, Gas, Water And Sewer Utilities And Telecommunications Carriers In Filing For An Increase In Rates; 83 Ill. Adm. Code 285	
351	Standards Of Service Applicable To 9-1-1 Emergency Systems (General Order 207); 83 Ill. Adm. Code 725	
352	Telecommunications Access For The Hearing And Voice Impaired; 83 Ill. Adm. Code 755	
353	CONSERVATION, DEPARTMENT OF	

ILLINOIS REGISTER		January 13, 1995
Vol. 19, Issue #2	CUMULATIVE INDEX	
Camping On Department Of Conservation Properties; 17 Ill. Adm. Code 130		345
Cock Pheasant, Hungarian Partridge, Bobwhite Quail, And Rabbit Hunting; 17 Ill. Adm. Code 530		346
Crow, Woodcock, Snipe, Rail And Teal Hunting; 17 Ill. Adm. Code 740		347
Department Formal Hearings Conducted For Rulemaking And Contested Cases; 17 Ill. Adm. Code 2530		348
Dog Training On Department-Owned Or -Managed Sites; 17 Ill. Adm. Code 950		349
Dove Hunting; 17 Ill. Adm. Code 730		350
Duck, Goose And Coot Hunting; 17 Ill. Adm. Code 590		351
General Hunting And Trapping On Department-Owned Or -Managed Sites; 17 Ill. Adm. Code 510		352
Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver And Woodchuck (Groundhog) Trapping; 17 Ill. Adm. Code 570		353
Operation Of Watercraft Carrying Passengers On The Illinois Waters Of Lake Michigan; 17 Ill. Adm. Code 2080		354
Public Use Of State Parks And Other Properties Of The Department Of Conservation; 17 Ill. Adm. Code 110		355
Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote And Woodchuck (Groundhog) Hunting; 17 Ill. Adm. Code 550		356
Squirrel Hunting; 17 Ill. Adm. Code 690		357
The Taking Of Wild Turkeys - Fall Archery Season; 17 Ill. Adm. Code 720		358
The Taking Of Wild Turkeys-Fall Gun Season; 17 Ill. Adm. Code 715		359
White-Tailed Deer Hunting By Use Of Bow And Arrow; 17 Ill. Adm. Code 670		360
White-Tailed Deer Hunting By Use Of Firearms; 17 Ill. Adm. Code 650		361
White-Tailed Deer Hunting Season By Use Of Muzzleloading Rifles; 17 Ill. Adm. Code 660		363
White-Tailed Deer Hunting Season By Use Of Handguns; 17 Ill. Adm. Code 680		362
EDUCATION, STATE BOARD OF		
Building Specifications For Health And Safety In Public Schools; 23 Ill. Adm. Code 185		364
Certification; 23 Ill. Adm. Code 25		365
Disadvantaged Students Funds Plan--Districts Over 50,000 ADA; 23 Ill. Adm. Code 202		366
Driver Education; 23 Ill. Adm. Code 252		367
Educational Service Centers; 23 Ill. Adm. Code 500		368
Efficient And Adequate Standards For The Building Specifications For The Construction Of Schools; 23 Ill. Adm. Code 175		369
Electronic Transfer Of Funds; 23 Ill. Adm. Code 155		370
ILLINOIS REGISTER		
CUMULATIVE INDEX		
Public Schools Evaluation, Recognition And Supervision; 23 Ill. Adm. Code 1		371
Pupil Transportation; 23 Ill. Adm. Code 275		372
Truants' Alternative And Optional Education Programs; 23 Ill. Adm. Code 205		373
Urban Education Partnership Program; 23 Ill. Adm. Code 245		374
Vocational Education; 23 Ill. Adm. Code 254		375
ENVIRONMENTAL PROTECTION AGENCY		
Annual Testing Fees For Analytical Services; 35 Ill. Adm. Code 691		90
Design Criteria Of Pressure Sewer Systems; 35 Ill. Adm. Code 374		91
General Conditions Of State Of Illinois Grants For Nonhazardous Solid Waste Planning And Enforcement; 35 Ill. Adm. Code 871		92
General Conformity; 35 Ill. Adm. Code 255		93
Illinois Recommended Standards For Sewage Works; 35 Ill. Adm. Code 370		94
Joint Rules Of The Illinois Environmental Protection Agency, The Illinois Department Of Public Health And The Illinois Department Of Nuclear Safety: Certification And Operation Of Environmental Laboratories; 35 Ill. Adm. Code 183		95
Procedures & Requirements For Conflict Resolution In Revising Water Quality Management Plans; 35 Ill. Adm. Code 351		97
Procedures For Collection Of Review And Evaluation Services Costs; 35 Ill. Adm. Code 859		98
Procedures For Issuing Solid Waste Planning And Enforcement Grants; 35 Ill. Adm. Code 870		100
Procedures For The Operation Of The Fee System For Processing Inquiry Requests For Agency Records; 35 Ill. Adm. Code 877		101
Procedures To Be Followed In The Performance Of Annual Inspections Of Motor Vehicle Exhaust Emissions; 35 Ill. Adm. Code 276		102
HISTORIC PRESERVATION AGENCY		
Rules Implementing "The Archaeological And Paleontological Resources Protection Act"; 17 Ill. Adm. Code 4190		376
HOUSING DEVELOPMENT AUTHORITY, ILLINOIS		
Affordable Housing Bond Program - Single Family; 47 Ill. Adm. Code 366		104
INDUSTRIAL COMMISSION		
Arbitration; 50 Ill. Adm. Code 7030		377
Insurance Regulations; 50 Ill. Adm. Code 7100		378
INSURANCE, DEPARTMENT OF		
Annual Audited Financial Report; 50 Ill. Adm. Code 925		379

Vol. 19, Issue #2	ILLINOIS REGISTER CUMULATIVE INDEX	January 13, 1995
	Medicaid Home And Community-Based Services For Developmentally Disabled Recipients; 59 Ill. Adm. Code 120 Treatment And Habilitation Services; 59 Ill. Adm. Code 112	407 409
	MINES AND MINERALS, DEPARTMENT OF The Illinois Oil And Gas Act; 62 Ill. Adm. Code 240	411
	NUCLEAR SAFETY, DEPARTMENT OF Access To Facilities For Treatment, Storage, Or Disposal Of Low-Level Radioactive Waste; 32 Ill. Adm. Code 609 Fees For Radioactive Material Licenses; 32 Ill. Adm. Code 331 Licensing Of Radioactive Material; 32 Ill. Adm. Code 330 Use Of Radionuclides In The Healing Arts; 32 Ill. Adm. Code 335	412 413 414 415
	POLLUTION CONTROL BOARD Clean Fuel Vehicles; 35 Ill. Adm. Code 241 Definitions And General Provisions; 35 Ill. Adm. Code 211 General Rules; 35 Ill. Adm. Code 101 Hazardous Waste Management System; General; 35 Ill. Adm. Code 720 Organic Material Emission Standards And Limitations For The Chicago Area; 35 Ill. Adm. Code 218 Organic Material Emission Standards And Limitations For The Metro East Area; 35 Ill. Adm. Code 219 Organic Material Emission Standards And Limitations; 35 Ill. Adm. Code 215 Permits And General Provisions; 35 Ill. Adm. Code 201 Petroleum Underground Storage Tanks; 35 Ill. Adm. Code 732 Primary Drinking Water Standards; 35 Ill. Adm. Code 611 Sewer Discharge Criteria; 35 Ill. Adm. Code 307 Solid Waste Disposal; General Provisions; 35 Ill. Adm. Code 810 Standards For Compost Facilities; 35 Ill. Adm. Code 830 Standards For Existing Landfills And Units; 35 Ill. Adm. Code 814 Toxic Air Contaminants; 35 Ill. Adm. Code 232 Underground Injection Control Operating Requirements; 35 Ill. Adm. Code 730 Underground Storage Tanks; 35 Ill. Adm. Code 731 Vehicle Scrappage Requirements; 35 Ill. Adm. Code 242 Visible And Particulate Matter Emissions; 35 Ill. Adm. Code 212 Water Quality Standards; 35 Ill. Adm. Code 302	422 424 426 428 430 432 434 436 438 440 442 444 446 448 450 452 454
	PROFESSIONAL REGULATION, DEPARTMENT OF Clinical Social Work And Social Work Practice Act; 68 Ill. Adm. Code 1470 Environmental Health Practitioner Registration Act; 68 Ill. Adm. Code 0001	107 108

Vol. 19, Issue #2	ILLINOIS REGISTER CUMULATIVE INDEX	January 13, 1995
	Cost Containment Form And Data Reporting Requirements; 50 Ill. Adm. Code 6602 Credible Service; 50 Ill. Adm. Code 0007 Credit Accident And Health Insurance Rules; 50 Ill. Adm. Code 952 Definition Of Salary; 50 Ill. Adm. Code 6302 Filing Policy And Endorsements Form; 50 Ill. Adm. Code 753 Foreign And Alien Insurer Annual Audited Financial Reports; 50 Ill. Adm. Code 601 Health Maintenance Organization; 50 Ill. Adm. Code 6101 Letters Of Credit; 50 Ill. Adm. Code 1102 License, Documents Necessary To Engage In Activities And Examinations; 50 Ill. Adm. Code 752 Limited Health Service Organization; 50 Ill. Adm. Code 0008 Long-Term Care Partnership Insurance; 50 Ill. Adm. Code 2018 Loss Reserve Discounting; 50 Ill. Adm. Code 0009 Managing General Agents; 50 Ill. Adm. Code 0010 Minimum Standards Of Individual Accident And Health Insurance; 50 Ill. Adm. Code 2007 Modified Guaranteed Annuity; 50 Ill. Adm. Code 0012 Pension And Examination Procedure; 50 Ill. Adm. Code 6301 Plan Of Operation; 50 Ill. Adm. Code 0011 Preferred Provider Program Administrators; 50 Ill. Adm. Code 6501 Required Procedure For Filing And Securing Approval Of Life Insurance, Annuity And Accident And Health Insurance, Voluntary Health Services Plans, Vision Service Plans, Dental Service Plans, Pharmaceutical Service Plans, Limited Health Service Organizations And Health Maintenance Organizations Policy Forms; 50 Ill. Adm. Code 916 Rules And Rate Filings; 50 Ill. Adm. Code 754 Surplus Line Business Requirements; 50 Ill. Adm. Code 2801 Valuation Of Life Insurance Policies - Rules Including The Introduction And Use Of New Select Mortality Factors; 50 Ill. Adm. Code 1409	380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401
	LABOR RELATIONS BOARD, ILLINOIS STATE/ILLINOIS LOCAL Freedom Of Information; 2 Ill. Adm. Code 2501 Public Information, Rulemaking Organization; 2 Ill. Adm. Code 2500	105 106
	LOTTERY, DEPARTMENT OF Lottery (General); 11 Ill. Adm. Code 1770	402
	MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF Family Assistance And Home-Based Support Programs For Persons With Mental Disabilities; 59 Ill. Adm. Code 117 Medicaid Community Mental Health Services Program; 59 Ill. Adm. Code 132	403 405

Vol. 19, Issue #2	ILLINOIS REGISTER CUMULATIVE INDEX	January 13, 1995
	Centers For Independent Living; 89 Ill. Adm. Code 885	485
	Client Financial Participation; 89 Ill. Adm. Code 562	486
	Closure; 89 Ill. Adm. Code 617	487
	Comparable Benefits; 89 Ill. Adm. Code 567	488
	Confidentiality; 89 Ill. Adm. Code 505	489
	Criteria For The Evaluation Of Programs Of Services In Community Rehabilitation Programs; 89 Ill. Adm. Code 530	490
	Eligibility; 89 Ill. Adm. Code 682	491
	Illinois Children's School And Rehabilitation Center's Respite Program; 89 Ill. Adm. Code 787	492
	Impartial Due Process Hearing; 89 Ill. Adm. Code 800	493
	Individualized Written Rehabilitation Program (IWRP); 89 Ill. Adm. Code 572	494
	Non-Academic Programs And Policies; 89 Ill. Adm. Code 830	495
	Projects With Industry; 89 Ill. Adm. Code 640	496
	Provider Requirements, Type Services, And Rates Of Payment; 89 Ill. Adm. Code 686	497
	Rules Of Conduct; 89 Ill. Adm. Code 827	498
	Services; 89 Ill. Adm. Code 590	499
	State-Operated Or Private Programs; 89 Ill. Adm. Code 790	500
	Therkelsen-Hansen College Loan Fund; 89 Ill. Adm. Code 835	501
	Vending Facility Program For The Blind; 89 Ill. Adm. Code 650	502
	SAVINGS AND RESIDENTIAL FINANCE, COMMISSIONER OF	
	Residential Mortgage License Act Of 1987; 38 Ill. Adm. Code 1050	503
	Savings Bank Act; 38 Ill. Adm. Code 1075	506
	SECRETARY OF STATE	
	Beat Auto Theft (B.A.T.) Program; 92 Ill. Adm. Code 0003	508
	Cancellation, Revocation Or Suspension Of Licenses Or Permits; 92 Ill. Adm. Code 1040	509
	Collection Of Fees; 92 Ill. Adm. Code 1003	510
	Commercial Driver Training Schools; 92 Ill. Adm. Code 1060	511
	Issuance Of Licenses; 92 Ill. Adm. Code 1030	512
	Procedures And Standards; 92 Ill. Adm. Code 1001	513
	Regulations Under Illinois Securities Law Of 1953; 14 Ill. Adm. Code 130	514
	Rules Of The Road-Handicapped Parking; 92 Ill. Adm. Code 1100	516
	Safe Ride; 92 Ill. Adm. Code 0004	517
	TEACHERS' RETIREMENT SYSTEMS OF THE STATE OF ILLINOIS	
	Administration & Operation Of The Teachers' Retirement System, The; 80 Ill. Adm. Code 1650	126
	JOINT COMMITTEE ON ADMINISTRATIVE RULES	
	AGENDA	
	Agenda for Meeting of January 10, 1995	127

Vol. 19, Issue #2	ILLINOIS REGISTER CUMULATIVE INDEX	January 13, 1995
	Illinois Architecture Practice Act Of 1989; 68 Ill. Adm. Code 1150	109
	Illinois Professional Land Surveyor Act Of 1989; 68 Ill. Adm. Code 1270	110
	Illinois Public Accounting Act; 68 Ill. Adm. Code 1420	111
	Interior Design Profession Title Act; 68 Ill. Adm. Code 1255	112
	Medical Practice Act Of 1987; 68 Ill. Adm. Code 1285	113
	Naprapathic Practice Act; 68 Ill. Adm. Code 0002	114
	Optometric Practice Act Of 1987; 68 Ill. Adm. Code 1320	115
	Pharmacy Practice Act Of 1987; 68 Ill. Adm. Code 1330	116
	Professional Counselor And Clinical Professional Counselor Licensing Act; 68 Ill. Adm. Code 1375	117
	Public Accounting Act (Professional Conduct); 68 Ill. Adm. Code 1430	118
	Real Estate Appraiser Certification; 68 Ill. Adm. Code 1455	119
	Real Estate License Act Of 1983; 68 Ill. Adm. Code 1450	120
	Rules Of Practice In Administrative Hearings; 68 Ill. Adm. Code 1110	121
	The Illinois Nursing Act Of 1987; 68 Ill. Adm. Code 1300	122
	The Professional Engineering Practice Act Of 1989; 68 Ill. Adm. Code 1380	123
	The Structural Engineering Licensing Act Of 1989; 68 Ill. Adm. Code 1480	124
	Veterinary Medicine And Surgery Practice Act Of 1994; 68 Ill. Adm. Code 1500	125
	PROPERTY TAX APPEAL BOARD	
	Procedures; 86 Ill. Adm. Code 1910	456
	PUBLIC AID, DEPARTMENT OF	
	Aid To Families With Dependent Children; 89 Ill. Adm. Code 112	457
	Aid To The Aged, Blind Or Disabled; 89 Ill. Adm. Code 113	459
	Child Support Enforcement; 89 Ill. Adm. Code 160	460
	Demonstration Programs; 89 Ill. Adm. Code 170	462
	Diagnosis Related Grouping (DRG) Prospective Payment System (PPS); 89 Ill. Adm. Code 149	464
	Food Stamps; 89 Ill. Adm. Code 121	466
	Hospital Services; 89 Ill. Adm. Code 148	468
	Medical Payment; 89 Ill. Adm. Code 140	470
	Medicaid Plus; 89 Ill. Adm. Code 142	474
	Refugee/Entrant/Repatriate Program; 89 Ill. Adm. Code 115	476
	Related Program Provisions; 89 Ill. Adm. Code 117	477
	Rights And Responsibilities; 89 Ill. Adm. Code 102	479
	REHABILITATION SERVICES, DEPARTMENT OF	
	Advisory Councils; 89 Ill. Adm. Code 515	480
	Appeals And Hearings; 89 Ill. Adm. Code 510	481
	Application; 89 Ill. Adm. Code 557	482
	Assessment For Determining Eligibility And Rehabilitation Needs; 89 Ill. Adm. Code 553	483

SECOND NOTICES RECEIVED
134, 518

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

- 94-672 U.S. Congress, State Senators and Representatives 135
94-673 State Officers and U of I Trustees 144
94-674 Proposed Amendment to Section 8 of Article I 145
94-675 Breman Youth Committee Day 146
94-676 Compassionate Friends Week 146
94-677 Pearl Harbor Remembrance Day 146
94-678 Chicagoland Hilton Hotels Salutes DCFS Children Day 147
94-679 Jack C. Costello Day 147
94-680 Marshall Field's Day 148
94-681 Elmhurst Clearners Day 149
94-682 Jamaican Independence Day 149
94-683 Lifelink Day 149
94-684 Snowmobile Safety Awareness Week 150
94-685 All-City Elementary Youth Chorus of Chicago Day 150
94-686 League of Women Voters Day 151
94-687 Critical Care Nurse Week 519
94-688 Financial Literacy for Youth Month 519
94-689 Nancy Turner Day 519
94-690 Opticians Month 520
94-691 African-American History Month 520
94-692 Josephine Stasiak Day 521

TYPE OF RULE MAKING

am = amend to existing Section
cc = codification changes
n = New section
r = repeal of existing Section
re = reclassified
= renumbered

ACTION CODE

A = Adopted Rule
E = Emergency
P = Proposed Rule
PP = Peremptory
M = Modification
W = Withdrawal
CC = Codification Changes
RQ = Request for Correction
R = Refusal
PF = Prohibited Filing
S = Suspension
O = JCAR Objection
F = Failure to Remedy Objections
RC = Recommendations
EC = Expedited Correction
C = Correction

1995		TITLE 50		TITLE 56		TITLE 74		TITLE 77	
		7060.10	am	(RQ-292)		285.1100	am		
						285.1101	am		
						285.1102	am		
						285.1103	am		
						285.1104	am		
						285.1105	am		
						285.1106	am		
						285.1107	am		
						285.1108	am		
						285.1109	am		
						285.1110	am		
						285.1111	am		
						285.1112	am		
						285.1113	am		
						285.1114	am		
						285.1115	am		
						285.1116	am		
						285.1117	am		
						285.1118	am		
						285.1119	am		
						285.1120	am		
						285.1121	am		
						285.1122	am		
						285.1123	am		
						285.1124	am		
						285.1125	am		
						285.1126	am		
						285.1127	am		
						285.1128	am		
						285.1129	am		
						285.1130	am		
						285.1131	am		
						285.1132	am		
						285.1133	am		
						285.1134	am		
						285.1135	am		
						285.1136	am		
						285.1137	am		
						285.1138	am		
						285.1139	am		
						285.1140	am		
						285.1141	am		
						285.1142	am		
						285.1143	am		
						285.1144	am		
						285.1145	am		
						285.1146	am		
						285.1147	am		
						285.1148	am		
						285.1149	am		
						285.1150	am		
						285.1151	am		
						285.1152	am		
						285.1153	am		
						285.1154	am		
						285.1155	am		
						285.1156	am		
						285.1157	am		
						285.1158	am		
						285.1159	am		
						285.1160	am		
						285.1161	am		
						285.1162	am		
						285.1163	am		
						285.1164	am		
						285.1165	am		
						285.1166	am		
						285.1167	am		
						285.1168	am		
						285.1169	am		
						285.1170	am		
						285.1171	am		
						285.1172	am		
						285.1173	am		
						285.1174	am		
						285.1175	am		
						285.1176	am		
						285.1177	am		
						285.1178	am		
						285.1179	am		
						285.1180	am		
						285.1181	am		
						285.1182	am		
						285.1183	am		
						285.1184	am		
						285.1185	am		
						285.1186	am		
						285.1187	am		
						285.1188	am		
						285.1189	am		
						285.1190	am		
						285.1191	am		
						285.1192	am		
						285.1193	am		
						285.1194	am		
						285.1195	am		
						285.1196	am		
						285.1197	am		
						285.1198	am		
						285.1199	am		
						285.1200	am		
						285.1201	am		
						285.1202	am		
						285.1203	am		
						285.1204	am		
						285.1205	am		
						285.1206	am		
						285.1207	am		
						285.1208	am		
						285.1209	am		
						285.1210	am		
						285.1211	am		
						285.1212	am		
						285.1213	am		
						285.1214	am		
						285.1215	am		
						285.1216	am		
						285.1217	am		
						285.1218	am		
						285.1219	am		
						285.1220	am		
						285.1221	am		
						285.1222	am		
						285.1223	am		
						285.1224	am		
						285.1225	am		
						285.1226	am		
						285.1227	am		
						285.1228	am		
						285.1229	am		
						285.1230	am		
						285.1231	am		
						285.1232	am		
						285.1233	am		
						285.1234	am		
						285.1235	am		
						285.1236	am		
						285.1237	am		
						285.1238	am		
						285.1239	am		
						285.1240	am		
						285.1241	am		
						285.1242	am		
						285.1243	am		
						285.1244	am		
						285.1245	am		
						285.1246	am		
						285.1247	am		
						285.1248	am		
						285.1249	am		
						285.1250	am		
						285.1251	am		
						285.1252	am		
						285.1253	am		
						285.1254	am		
						285.1255	am		
						285.1256	am		
						285.1257	am		
						285.1258	am		
						285.1259	am		
						285.1260	am		
						285.1261	am		
						285.1262	am		
						285.1263	am		
						285.1264	am		
						285.1265	am		
						285.1266	am		
						285.1267	am		
						285.1268	am		
						285.1269	am		
						285.1270	am		
						285.1271	am		
						285.1272	am		
						285.1273	am		
						285.1274	am		
						285.1275	am		
						285.1276	am		
						285.1277	am		
						285.1278	am		
						285.1279	am		
						285.1280	am		
						285.1281	am		
						285.1282	am		
						285.1283	am		
						285.1284	am		
						285.1285	am		
						285.1286	am		
						285.1287	am		
						285.1288	am		
						285.1289	am		
						285.1290	am		
						285.1291	am		
						285.1292	am		
						285.1293	am		
						285.1294	am		
						285.1295	am		
						285.1296	am		
						285.1297	am		
						285.1298	am		
						285.1299	am		
						285.1300	am		
						285.1301	am		
						285.1302	am		
						285.1303	am		
						285.1304	am		
						285.1305	am		
						285.1306	am		
						285.1307	am		
						285.1308	am		
						285.1309	am		
						285.1310	am		
						285.1311	am		
						285.1312	am		
						285.1313	am		
						285.1314	am		
						285.1315	am		
						285.1316	am		
						285.1317	am		
						285.1318	am		
						285.1319	am		
						285.1320	am		
						285.1321	am		
						285.1322	am		
						285.1323			

ILLINOIS REGISTER

Jan. 13, 1995

SECTIONS AFFECTED INDEX

Volume 19, Issue #2

Jan. 13, 1995

ILLINOIS REGISTER

SECTIONS AFFECTED INDEX

Volume 19, Issue #2

(Title 77, cont.)

TITLE 92	n	(P-34)(E-54)
1001.600	n	(P-34)(E-54)
1001.610	n	(P-34)(E-54)
1001.620	n	(P-34)(E-54)
1001.630	n	(P-34)(E-54)
1001.640	n	(P-34)(E-54)
1001.650	n	(P-34)(E-54)
1001.660	n	(P-34)(E-54)
1001.670	n	(P-34)(E-54)
1001.680	n	(P-34)(E-54)
1001.690	n	(P-34)(E-54)

[illegible]

	905.170	am	P-2.23.59/93.0- W-2871	18405/94; W-2871	100.5	n	P-1.2585/94.A-206 P-1.2585/94.A-206
					100.10	am	P-1.2585/94.A-206 P-1.2585/94.A-206
	905.180	am	P-2.23.59/93.0- W-2871	18405/94; W-2871	100.20	am	P-1.2585/94.A-206 P-1.2585/94.A-206
					100.30	am	P-1.2585/94.A-206 P-1.2585/94.A-206
	905.190	am	P-2.23.59/93.0- W-2871	18405/94; W-2871	100.50	am	P-1.2585/94.A-206 P-1.2585/94.A-206
					100.55	am	P-1.2585/94.A-206 P-1.2585/94.A-206
	905.200	am	P-2.23.59/93.0- W-2871	18405/94; W-2871	100.70	am	P-1.2585/94.A-206 P-1.2585/94.A-206
					100.80	am	P-1.2585/94.A-206 P-1.2585/94.A-206
	905.210	r	P-2.23.59/93.0- W-2871	18405/94; W-2871	100.90	am	P-1.2585/94.A-206 P-1.2585/94.A-206
					100.100	am	P-1.2585/94.A-206 P-1.2585/94.A-206
	905.220	am	P-2.23.59/93.0- W-2871	18405/94; W-2871	100.110	am	P-1.2585/94.A-206 P-1.2585/94.A-206
					100.115	n	P-1.2585/94.A-206 P-1.2585/94.A-206
	905.230	am	P-2.23.59/93.0- W-2871	18405/94; W-2871	100.120	am	P-1.2585/94.A-206 P-1.2585/94.A-206
	II.A				100.130	am	P-1.2585/94.A-206 P-1.2585/94.A-206
					100.140	am	P-1.2585/94.A-206 P-1.2585/94.A-206
	II.C	am	P-2.23.59/93.0- W-2871	18405/94; W-2871	100.150	am	P-1.2585/94.A-206 P-1.2585/94.A-206
					2800.100	am	P-1.2367/94.A-361 P-1.2367/94.A-361
	II.D	am	P-2.23.59/93.0- W-2871	18405/94; W-2871	2800.235	n	P-1.2587/94.A-361 P-1.2587/94.A-361
					2800.240	am	P-1.2587/94.A-361 P-1.2587/94.A-361
	II.E	am	P-2.23.59/93.0- W-2871	18405/94; W-2871	2800.260	am	P-1.2587/94.A-361 P-1.2587/94.A-361
					2800.600	am	P-1.2587/94.A-361 P-1.2587/94.A-361
	905.240	am	P-2.23.59/93.0- W-2871	18405/94; W-2871	2800.700	am	P-1.2587/94.A-361 P-1.2587/94.A-361

TITLE 89	
W-2871	am
W-2872	am
W-2873	am
W-2874	am
W-2875	am
W-2876	am
W-2877	am
W-2878	am
W-2879	am
W-2880	am
W-2881	am
W-2882	am
W-2883	am
W-2884	am
W-2885	am
W-2886	am
W-2887	am
W-2888	am
W-2889	am
W-2890	am
W-2891	am
W-2892	am
W-2893	am
W-2894	am
W-2895	am
W-2896	am
W-2897	am
W-2898	am
W-2899	am
W-2900	am
W-2901	am
W-2902	am
W-2903	am
W-2904	am
W-2905	am
W-2906	am
W-2907	am
W-2908	am
W-2909	am
W-2910	am
W-2911	am
W-2912	am
W-2913	am
W-2914	am
W-2915	am
W-2916	am
W-2917	am
W-2918	am
W-2919	am
W-2920	am
W-2921	am
W-2922	am
W-2923	am
W-2924	am
W-2925	am
W-2926	am
W-2927	am
W-2928	am
W-2929	am
W-2930	am
W-2931	am
W-2932	am
W-2933	am
W-2934	am
W-2935	am
W-2936	am
W-2937	am
W-2938	am
W-2939	am
W-2940	am
W-2941	am
W-2942	am
W-2943	am
W-2944	am
W-2945	am
W-2946	am
W-2947	am
W-2948	am
W-2949	am
W-2950	am
W-2951	am
W-2952	am
W-2953	am
W-2954	am
W-2955	am
W-2956	am
W-2957	am
W-2958	am
W-2959	am
W-2960	am
W-2961	am
W-2962	am
W-2963	am
W-2964	am
W-2965	am
W-2966	am
W-2967	am
W-2968	am
W-2969	am
W-2970	am
W-2971	am
W-2972	am
W-2973	am
W-2974	am
W-2975	am
W-2976	am
W-2977	am
W-2978	am
W-2979	am
W-2980	am
W-2981	am
W-2982	am
W-2983	am
W-2984	am
W-2985	am
W-2986	am
W-2987	am
W-2988	am
W-2989	am
W-2990	am
W-2991	am
W-2992	am
W-2993	am
W-2994	am
W-2995	am
W-2996	am
W-2997	am
W-2998	am
W-2999	am
W-3000	am

[illegible]

ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF CHANGE OF ADDRESS
ALL ORDERS ARE PAYABLE IN ADVANCE OR BY VISA OR DISCOVER CARD
CHECKS AND/OR MONEY ORDERS ARE PAYABLE TO SECRETARY OF STATE

MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 PER SET

__1977-1978 __1979 __1980 __1981 __1982 __1983 __1984 __1985 __1986
__1987 __1988 __1989 __1990 __1991 __1992 __1993

CUMULATIVE INDICES TO THE ILLINOIS REGISTER @\$1.00 each:

__1981 __1982 __1983 __1984 __1985 __1986 __1987 __1988 __1989

SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @\$1.00 each:

__1984 __1985 __1986 __1987 __1988 __1989

CUMULATIVE/SECTIONS AFFECTED INDICES @\$5.00 each:

__1990 __1991 __1992 __1993

BACK ISSUES OF THE ILLINOIS REGISTER (current year only) @\$10.00 each:

(Volume Number) (Issue Number) (Issue Date)

ANNUAL SUBSCRIPTION TO THE ILLINOIS REGISTER @\$290.00 (52 ISSUES)

___NEW ___RENEWAL

ANNUAL SUBSCRIPTION AND SUPPLEMENT TO THE ILLINOIS ADMINISTRATIVE CODE; PUBLISHED
QUARTERLY @\$290.00

_____ (1994 Code & 2 Supplements)	_____ (Quantity)	_____ (1995 Supplements)	_____ (Quantity)
---	---------------------	--------------------------------	---------------------

TOTAL AMOUNT OF ORDER: \$ _____

___Check ___Visa ___Discover Card Number: _____

Expiration Date: _____ Signature _____

(IF CHANGE OF ADDRESS, PLEASE LIST THE OLD AND NEW ADDRESS:

(NAME) (PLEASE TYPE OR PRINT)

(ADDRESS)

(CITY)

(STATE)

(ZIP CODE)

(TELEPHONE NUMBER)

GEORGE H. RYAN
SECRETARY OF STATE

Address:

Index Department
111 E. Monroe
Springfield, IL 62756

